1

AFD 137 FAF 59.

CLASS B

App. F IX—4

1959
Forests

File No.

Serial Nos.

Previous References.

Later References.

Agriculture & Forest Department.

THE MYSORE GOVERNMENT SECRETARIAT

Serial Nos.

Part B for

SUBJECT

Dft of 15 acres & 20 gunthas of land out of F.S. No. 5 & 6 of Vitnal Village Tk. Haliyal.

WD 88598—GPB—2,00,000—1-5-61

20.3.59
28.3.63

FOR/NOT FOR NOTE BOOK
UNDER SECRETARY
30/7
Under Secretary to Govt.

PRESERVED

A
1/4/011

Vatsala
(ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ,
ಅರಣ್ಯ, ಪರಿಸರ ಮತ್ತು ಪರಿಸರ ಶಾಸ್ತ್ರ ಇಲಾಖೆ,
(ಬೆಂಗಳೂರು).

Disforestment of 15 acres and 24 guntas of land out of S.No. 5 & 6 of Ustal village in Haliyal Taluka given granted to H. Bhatara

Mysore Government Secretariat

File No. of 195 [App. F. III 2

2

Serial No.	
	APD 137 FAF 59
	ED 31 DFT 58
1	D No 2265 dt 9th March 59
2	~~Grant of~~ Forest Land measuring 15 acres and 24 guntas of S.No 5 & 6 of Ustal village in Haliyal Taluk has been granted to Shri H. Bhatara by the Govt Kanara with the powers vested in him for cultivation
3	Letter No GB/FOR-SR 271 dated 28-2-59 from the Divisional Commissioner, Belgaum, requesting Govt to publish draft notification. (p 119/c) (p 99/c)
4	R.D. may kindly peruse papers & return the file to issue notification. 5. The notification may issue after it is seen by the R.D
	Seen by the R.D 25.3.59
	R.D
6	R.D has no objection for disforesting the area proposed provided the total holding of the grantee does not exceed the economic holding
	30/3/59

Rev-Tech

Rev. Comp. Sheet

No. 5034 28 MAR 1959 REVENUE BRANCH.

No. 5205 30 MAR 1959 REVENUE DEPARTMENT

7256

APD 137 PDR 57

3

File No. of 195

Mysore Government Secretariat

Serial No.

This may now be returned to A & P deptt

1/4/59

A & P D) 1/4

(7) The draft notification put up, p. 99/cp may be approved in view of para 6 supra.

1/4/59

8 The notification at page 99/c may issue. The proposal in para 2 supra may be approved. M(Agri) may see the papers before issue.

7.4.59

In approval

P. Venkatachar

11/4

Min. Agri

OFFICE OF THE MINISTER FOR AGRICULTURE No. P-79 14 APR 1959 BANGALORE

I learn that applicant is not an agriculturist. He is said to be the employee (Public Relation Officer) of the W. Coast Paper Mills at Bandli. Local people are often demanding lands and I do not understand how this land has remained without anybody's demand. I do not find any report of the Forest Officer. The details of this area may be got from the D.F.O & C.F. Belgaum before we decide whether this particular land should be disafforested and to whom it should be granted. (10)

12/4

13/4

P.T.O.

AGRICULTURE DEPT. 2867 15 APR 1959

16/4/59

WD 04550—GPB—PZS—2,00,000—1958

AFD.137 FAF 59 4

Mysore Government Secretariat | File No. of 195 . | [App. F. III 2

Serial No.

11 A draft G.O. is put up at page 123/4 which will issue if approved w/r to para 10 above.

28/4/59.

Sus 7/5/59

12 Please see D 4705 dt. 15-5-59 (p. 125/4)

This is not ~~refer~~ complete and only in the nature of an intermediate reply. We may await reply from DFO also & then decide.

2/6/59.

MYSORE GOVERNMENT SECRETARIAT 8505 15 JUN 1959 BANGALORE

14011 13 I am afraid that that land granted by D.C. Kanara is not in order, as DC has not followed the principles laid down by R.D. on land grant Policy. The priority fixed time does not seem to have been followed. The land is granted to one who is not an agriculturist but who is a liaison officer of the West Coast Paper Factory. I do not think that claims of such high officials should be preferred to local poor people who have to live on land alone. Hence I feel H.R.D. may not get it thoroughly examined before it is disposed.

OFFICE OF THE MINISTER FOR AGRICULTURE No. P-304 6 - JUN 1959 BANGALORE

AGRICULTURE & FOREST SECRETARY No. 4357 8 JUN 1959 GOVERNMENT OF MYSORE

OFFICE OF THE MINISTER FOR REVENUE No. 842 9 JUN 1959 BANGALORE

Note: Contn. Sheet

Minister (Rev 14) Rev. by for remarks 6/6

Serial No.

24 The, CF. DFO. & the Div. Comr., Belgaum and the D.C. N.K. Dist will be addressed as the references referred to para 23(b) & (c) are not forthcoming in the papers.

25 The two drafts 23/c & 24/c put up may kindly be approved by the DS.

for approval

16/9/60. 16/9 DS 16/9/61

1403/F

26) May be issued by the VS&P

17/9

27 Issued on 17.9.6. 16/9 16/9

17/9

28 The report from the D.C. N.K. Dist at p. 26/ (Diary 9227/60) is with reference to GL dt 17-9-60 at p. 24/c.

29 Govt wanted to know the special reasons which prompted grant of 15-24 acres of F.S. nos. 5 and 6 of Vitnal, Haliyal Tq in favour of Sri. H. Bhatada.

30 The D.C. reports that according to the priority fixed in GR no. LND 3953 IV-B dt 20-8-54, he was granted land with a view to bring more area under cultivation.

Please reference paras 22 onwards.

11/2/61. DS 28/2

This file was made for discussion. Vide letter Deputy Commr. Belgaum dt. 14-2-61 to be returned by the P.A. to D/S Affairs 35/c

28/2

To dictate

DEPUTY SECRETARY TO GOVT. NO. 7461 2 MAR 1961 AGRICULTURE & FOREST DEPT.

Note.—Contn. Sheet

Serial No.

31 These papers deal with a proposal to disforest an area of 15 acres, 20 guntas of land in forest Survey Nos.5 and 6 Utinal Village in Haliyal Taluk. The land has been granted for cultivation ~~betw~~ to one Shri H. Bhatara by the Deputy Commissioner, Karwar, under the powers vested in him. R.D. have agreed.

32 In this connection, attention is invited to paras 10, 13 and 21 of the notes. I have gone through the various reports sent by the D.C. and the C.C.F. in the matter. Even though the D.C. ~~has-es~~ is competent to grant land for cultivation under the existing G.Os. in this particular case it appears that the grant is not justified. As far as information is available in the Government Shri Bhatara seems to be an employee of the West Coast Paper Mills and is at present working in some capacity in Bangalore. Essentially land for cultivation should be given to poor, landless agriculturists according to the priorities indicated in para "E" of G.O. dated 20-2-54 issued by the G.O.B. (please vide page 43). Under these priorities it is the landless agriculturists that is to be preferred. In this particular case we do not know and it is doubtful if Shri B. could be classified as landless agriculturist and if it could be considered deserving of the grant. When this question was referred to the D.C. for clarification he has explained the position in his letter dated 2-10-59 at page 23 of the c/f. He has stated that while granting lands to poor or comparatively rich consideration among other things is to be given to the

Serial No.

expenditure likely to be involved in clearing the lar and prepare it for cultivation as well as his capacit to take up measures against wild animals for crop protection. It is also stated that there is no dema for this parcel of land from others. Whatever may b the circumstances in which Shri B. is placed it is a point for consideration if the above mentioned facto are always taken into account while making grants in N.K. Dist. As regards the lack of demand for this particular parcel it may be mentioned that from the N.K. Dist. alone we have been receiving hundreds of applications for land and looked into from this angle it is not know why this isolated bit of land has no demand. Even so the circumstances seen from the records did not seem to justify grant of land to Shri B.

33 Regarding the definition of an agriculturist, reference is invited to the D.C's explanation to point No.3. Even though the scope of the definitio of an agriculturist is already enough to cover the case of Mr. B. I should personally think that preference should always be given to persons who are genuine agriculturists and who wish to settle down on the land rather than to persons who are likely to stay away from the place and carry on agriculture by hired labour. This is however a point which the A. & F. Dept. will not be able to elaborate and the R.D. is the best dept. competent to decide. In any case, it would seem that in this particular case the land granted to Mr. B. is hardly justifiable. If approved, R.D. may please take action to cancel

File No. AFD 137 FAF of 1959.

Mysore Government Secretariat

Serial No.

the grant made in favour of Shri B.

D.S. to Govt.
A. & F. Dept.

Secretary, A. & F.

Secretary, R.D.

Minister, F. & R.

Minister, Revenue.

34 746/F

SECRETARY TO GOVERNMENT
No. 316
13 MAR 1961
REVENUE DEPARTMENT.

I want to know whether law permits us to cancel the grant

M. S. RUDRAPPA,
Minister for Forests.

36

OFFICE OF THE MINISTER FOR REVENUE
No. 6282
20 MAR 1961
BANGALORE

37

Please see para 3 of note, Minute of Minister for Revenue Deptt. The file may be marked to L.D. for opinion.

To opinion.

Law Dept.

38

OFFICE OF THE MINISTER FOR FORESTS
No. 193
23 MAR 1961

Adm Secy is requested to clarify: 1 Whether the order of the S.C. dated 23-10-56 was communicated to the party?
2 Whether the party has received the Kabulat as required by Centre vide No. 8 (A&F).

Sec 3

Registrar-I
Law Department.

WD 04700—GPB—PZS—8,00,000—1958

Mysore Government Secretariat

File No. AD 137 FAF of 1959.

[App. F. II] 2

Serial No.

39 Please peruse the queries of the L.D. in Para 38 N.F. The queries raised by the L.D may be got answered by the R.D.

R.D t.f.o Compliance

2/5/61

2/5/61

5/103 5 MAY 1961

40 Kindly see para 38 of the notes. It is seen from the case papers that the orders of the Dy Comr dt 23.10.1956 have not been communicated to party and the party has not executed the Kabuliyat as required by condition no 8.

MYSORE GOVERNMENT SECRETARIAT No. 2 MAY 1961 REVENUE DEPARTMENT

41 However the Divisional Comr Belgaum Dn will be enquired.

42 Draft is also put up for approval

3/5

Smt RS 3/5

6/5/61

6/5/61

26/5

Issued

Sus KH 30/6/61

25/5

+ Flag e (below file)

Draft letter No. S.105/X/252 dt 25-5-61 from the D.C. N.K.

43 The Dy. Comrs, N. Kanara has clarified the points raised by L.D at para 38/N in his letter dt. 25-5-1961 (Flag g in the below file No. RD-174-LBM-59) These pps may be referred to L.D for its opinion w.r.t para 37/N.

L.D

9/6

Sn 3

12 JUN 1961 Registrar-I Law Department

Note.—Contn. Sheet

44 8/6/61 9/6/61

10

File No. 137 FAF of 1959

Mysore Government Secretariat

Serial No. 45

LAW DEPARTMENT:

It is stated by the Divisional Commissioner that the grant in question is made in accordance with the prevalent rules. The deforestation notification is issued after the said grant and the party is informed by the letter dated 20.6.58 (Flag 'B') that he has been granted an area of 15 acres and 24 guntas and necessary measures are being taken and steps will be taken to put him in possession. The Deputy Commissioner has stated that the question of resumption does not arise since the land grant is in the preliminary stage and Bri Bhatara is not put in actual posession of the area and at the most, the proceedings may be dropped. It cannot be said that the proceedings are at preliminary stage and they can be dropped. There has been a grant and the matter is further pursued. The question of executing the Kabulayat would come when the party is to be put in possession. In the circumstances, there is no reason to revoke the grant and any such action may lead to legal complications.

Flag 'A'

30/9/61

(C.S.WODEYAR)
Deputy Secy., Law Dept.

795/61.
Law:3.

A. & F.)
Deptt.,)

28/DSL(80)
12.9.61

2.X.61

WD 07273—GPB—PZS—8.00,000—1960

Mysore Government Secretariat

AFD File No. 134 FA for 1959

[App. F. III 2

Serial No.

Found today in the Secs files
11/1/62

46 In view of the clarification given by the D.C. North Kanara (in page 99/c) L.D. has noted in para (45) supra. For orders whether the D.C (N.K.) may be asked to intimate the further development in this case.
11/1/62

47. The D.S. may kindly see his note of 10.3.61 in paras 31 onwards. The opinion of the L.D. in para 45 supra is quite explicit on the point. Since L.D. feels that there is no reason to revoke the grant and any such action is likely to lead to legal complications, the notification defining the area in question on page 1/c may issue.

12.1.62

D.S.

Secy. R.D.

M. (Forests)

M. (R)

48) Please speak
15/1

49) Refer to L.D. as desired by D.S. on the phone
16.1.62

50) Dinesh
16.1.62

Note.—Contn. Sheet

SECRETARY TO GOVT. 120/F 15 JAN 1962 AGRICULTURE & FOREST DEPTT.

File No. 137 FAP of 1959.

Mysore Government Secretariat

Serial No. 5

Discussed with the D.S and file resubmitted with reference to Paras 48 to 50 of N7 and this after examining the case again. As indicated in Paras 31 to 33 the land is given to a person who is not evidently a genuine agriculturist. The policy of Government in the case of such land grants has always been to help the poor agriculturists, who actually are in need of the same. On examining the correspondence it is seen that the grant of this land is in contravention of the rules. The D.C. ~~South~~ North Kanara appears to have exceeded his powers and therefore it would be illegal and in a such a case Govt being the final authority is entitled to cancel such a grant. Hence this question may kindly be reconsidered referred to LD for being as the party is not put in possession of the property and no document is executed evidencing that the party has been put in possession of the land granted.

JSR
26/4/62

~~D.S.~~

720 | DOL
30-4-62

52) In flo of reconsideration of the opinion expressed in Para 45 of the light of Para 51. Supra. We will be obliged if this is treated as urgent.

D.S. Law
(Sri Papareddy)

26.4.62.

WD-010154—GPB—PZS—8,00,000—1-10-61

Mysore Government Secretariat | File No. of 195 . | [App. F. III 2

Serial No.

(53) The D.S. (opinion) has furnished his opinion in this case. So this file may be placed before him for recast.

D.S. (opinion) 27.6.62

720/DOC

DEPUTY SECRETARY (LW) 68/DS 21 JUN 1962 GOVERNMENT OF MYSORE

Law Department:

54) It is stated in para 51 that Governmen being the final authority is entitled to cancel such a grant. It is not clear under what provision of law suc an authority to cancel the grant vests. It appears th the resolutions of the Bombay Government relating to such grants give full power to the Collector (Deputy Commissioner) to make grants according to the conditio laid down therein. No confirmation by the Government appears to be necessary for such grants. In such circumstances, it appears that the Government is not i a position to question the propriety of the grant exce invoking the revisional powers under Section 211 of th Bombay Land Revenue Code, 1879. But, according to Section 4(2) of the Mysore Revenue Appellate Tribunal Act, 1957, the appellate and revisional powers stand transferred to and be exercisable by the Tribunal. Therefore, the Government cannot exercise any power of revision in such a case. It may therefore be indicate what is the authority under which the Government propo ses to question the legality of the grant and cancel the same.

(C.S.WODEYAR)
Deputy Secretary,
Law Department,
JULY 6, 1962.

Note.—Contn. Sheet

AFD

14

File No. AFD 137 FAF of 1959

Mysore Government Secretariat

Serial No.

55) Subd. For orders w/r to paras 51 to 54 n/f

CR 7/7

L.D. is of opinion that it is not possible to revise the order of land grant already issued. For Order 56.

DEPUTY SECRETARY TO GOVT. NO. 1664-1 18 JUL 1962 AGRICULTURE & FOREST DEPTT.

RSR 1247/62 In View of the legal opinion Paras 45 and 54 of N.7.) It is for orders whether action may be taken to issue the disforestment Notification. 57.

JR 15/7/62

D.S.

N.F 31-36, 45, 47 for kind perusal L.D. have retracted their view that Govt cannot exercise any power of revision vis-a-vis the order of land grant already issued, vide NF 54. Hence the disforestment notification at CF1 may issue 58

or this may be referred to Revenue Appellate Tribunal as per the opinion of the L.D. in para 52.

Dy. Secy. A. & F. Deptt.

Sd/-

Secy RD

Secy to Government, Agriculture & Forest Department.

AGRICULTURE & FOREST SECT. No. 3364 19 JUL 1962 GOVERNMENT OF MYSORE

SECRETARY TO GOVERNMENT No. 8084 24 JUL 1962 REVENUE DEPARTMENT.

~~H (F)~~

U/s B, RD may pl speak.

25/7/62

~~H (R)~~

WD 04700—GPB—PZS—8,00,000—1958

Mysore Government Secretariat

Disafforestment and grant of land to Sri Bhatara

AFD, File No. 137 FAF of 1959 [App. F. III 2 15

Serial No.

Discuss with RS

59 In this case, the Deputy Commissioner North Kanara granted an area of 15 acres and 24 guntas out of the forest Survey Nos.5 and 6 of Vitnal village, Haliyal Taluk, to Sri H. Bhatara for purpose of cultivation, in his Order dated the 23rd October 1956, subject to certain terms and conditions ~~and~~ The area applied for has been notified by the Forest Department as available for cultivation. It is stated by the Divisional Commissioner that the grant in question is made in accordance with the Land Grant Policy of the erstwhile Government of Bombay, contained in G.R.R.D. No.LND.3953-V-B, dated the 20th August 1954. The area granted to Sri Bhatara is within the economic holding as then existed. The Party has also been informed that an area of 15 acres 22 guntas had been granted to him and necessary steps are being taken to put him in possession. As the grant has already been made, it cannot be revoked as any such action may lead to legal complications.

Hy A

DEPUTY SECRETARY TO GOVT. No. 26 JUL 1962 REVENUE DEPARTMENT

DS
RS 25/7

60. In this case, one Sri H.Bhatara applied to the Tahsildar (Mamlatdar) of Haliyal for grant of land in Survey Nos. 6,7,8 and 9 of Vitnal village for purposes of cultivation. The Deputy Commissioner, North Kanara District, after enquiry sanctioned the grant of Survey Nos.5 and 6 of Vitnal village, measuring about 15 acres 24 guntas in his order dated the 23rd October 1956, subject to disafforestation

Note.—Contn. Sheet

Serial No.

of the said land and subject to certain other conditions mentioned in his order. Before granting the land in question to the applicant, the Deputy Commissioner had taken into consideration the orders issued by the ex-Bombay Government in its Resolution No. LND.3953-V-B dated the 20th August 1954 regarding disposal of Government waste lands. It is stated Sri Bhatara had asked for grant of the land as he was genuinely interested in cultivation. Before granting the land, the Deputy Commissioner had made detailed enquiries and it is stated that there was no demand for the land in question either by the Harijans or by the village people or neighbouring villagers. The land granted is also not above the ceiling limit of 16 acres of jarayat land, as fixed in the ex-Bombay Government's Resolution dated the 20th August 1954.

51. The Divisional Commissioner, Belgaum, has stated that there is no irregularity or illegality in the order passed by the Deputy Commissioner, North Kanara, in his order dated the 23rd October 1956.

52. When the proposal for disafforestation of the area in question was received by Government in the Agriculture & Forest Department, the then Minister for Forest minuted as follows:-

"(10) I learn that the applicant is not an agriculturist. He is said to be the

Serial No.

employee (Public Relation Officer) of the W.Coast Paper Mills at Dandeli. Local people are often demanding land and I do not understand how this land has remained without anybody's demand. I do not find any report of the Forest Officer. The details of the area may be got from the D.F.O. & C.F., Belgaum, before we decide whether this particular land should be disafforested and to whom it should be granted."

xx xx xx

"(13) I am afraid that that land granted by D.C., Karwar, is not in order, as D.C. has not followed the principles laid down by R.D. on land grant policy. The priority fixed therein does not seem to have been followed. The land is granted to one who is not an agriculturist but who is a liaison officer of the West Coast Paper Factory. I do not think that claims of such high officials should be preferred to local poor people who have to live on land alone. Hence I feel M.R.D. may pl.get it thoroughly examined before it is disafforested."

53. (Note Sheets containing paras 15 to 23 in this file are missing).

54 After examining the question further, the Agriculture and Forest Department suggested that Revenue Department might take action to cancel the grant made in favour of Sri Bhatara.

55 The then Minister for Revenue minuted as follows:-

" (35) I want to know whether law permits us to cancel the grant."

After obtaining further information from the Deputy Commissioner, North Kanara, and the Divisional Commissioner, the case was examined further in consultation with the Law Department. The Law Department has opined that there is no reason to revoke the grant and any such action may lead to legal complications.

56 The question whether the grant made by the Deputy Commissioner, North Kanara, may be cancelled

Note.—Contn. Sheet

Serial No.

under the revisional powers vested in Government was also examined in consultation with the Law Department. and it has been held that Government cannot cancel the grant made even by invoking the revisional powers under section 211 of the Bombay Land Revenue Code, 1879. It is further stated that according to section 4(2) of the Mysore Revenue Appellate Tribunal Act, 1957, the appellate and revisional powers stand transferred to and be exercisable by the Tribunal, and that therefore Government cannot exercise any power of revision in this case.

57. The Agriculture & Forest Department desires to know (i) whether the disafforestation Notification in this case may issue, or (ii) whether the case may be referred to the Revenue Appellate Tribunal, with a view to get the orders regarding the land grant made by the Deputy Commissioner cancelled.

58. As regards (i) above, it has already been stated that there is no irregularity or illegality in the order passed by the Deputy Commissioner, North Kanara, in his order dated the 23rd October 1956. Hence, there is no objection to the issue of the Disafforestation Notification.

59. As regards (ii) above, there is no justifiable ground to take up the matter with the Mysore Revenue Appellate Tribunal under section 4(2) of the Mysore Revenue Appellate Tribunal Act, 1957, with a view

Mysore Government Secretariat | File No. of 196 . [App. F. III 2

Serial No.

5633 DMD

to get the grant cancelled.

26.7.62
(B.T.NAYAK)
Dy.Secy.,R.D.

SECRETARY TO GOVERNMENT
No. 8750
26 JUL 1962
REVENUE DEPARTMENT.

Secy.

a) The grant made by the D.C. North Kanara may stand. The order passed by him does not be taken up in revision before the MRAT as there are no good grounds for challenging that order

b) The notification about the disafforestation of the land may issue.

27/7/62
N. NARASIMHA RAU.
Secy., Rev. Dept.

M(Forests)
M(Revenue)

I have perused the records.

It is observed that the Deputy Commissioner, North Kanara, has not exercised his due deligence in granting land in S.Nos.5 and 6 of Vithal Village, Haliyal Taluk, to one Sri Bhatara, Manager of the Paper Mills, Dandeli. As observed by Sri K.F. Patil, the then Minister for Forests (para 13) the D.C. has not followed the land grant policy enunciated by the Government. According to the resolution dated 20th August 1954, of the erstwhile Bombay Government, on which the D.C. has placed reliance, priority has to be given to the poor backward class landless agriculturists. It is unimagin-

THE MINISTER FOR FORESTS & FISHERIES
No. F-1477
21 AUG 1962
BANGALORE.

Kept for report in inspection on 17/8/62
Tour cancelled 27/8

Note.—Contn. Sheet

P.T.O.

Serial No.

umimaginable how the D.C. states that there were no applicants from the backward class people, while the noting at para 32 clearly indicates that hundreds of applications were being received from North Kanara District for land grant. Presuming that there were no applications from the Backward Class people as per the report of the Backward Class Officer, the next proper course that would have been adopted by the D.C. was to dispose of the land by public auction as contemplated in para 4 sub-clause XIV (c) of the Bombay Resolution. The lack of applications is itself not a valid ground for disposing the land straightaway to the applicant. Disposal of this bit of land by public auction should have been given wide publicity and all formalities required to conduct public auction ought to have been followed. In view of this, the land granted to Sri Bhatara is not in conformity with the Resolution and policy of the erstwhile Bombay Government and therefore, the grant is held to be invalid. I am of the view that this land may be disposed of strictly in accordance with land grant rules and then the question of disafforestation of the land will be considered.

B. Rachaiah 30/8/62

(B. Rachaiah)
Minister for Forests &
Fisheries.

F. 1477/62

OFFICE OF THE MINISTER FOR REVENUE
No. 2356
31 AUG 1962

Minister for Revenue.)

w/c

63 I have gone through the records carefully. Considering all aspects of the question, it is not desirable to interfere with the orders of the

63

Dis posal and grazing land
West Coast Paper Mills, Dandeli

21

Mysore Government Secretariat

File No. AFD. 137. PAF. 1965 [App. F. III 2

174 to 179

Serial No.

Deputy Commissioner, North Kanara, at this stage and it may stand.

MINISTER FOR REVENUE.

Rev. Secy)

2356/62

21/3/63

21.3.63

21/3

2/MAR 1963

62 The Minister for Forest has not agreed to ~~issue~~ disafforestation of the land. Further orders are requested w.r.t para 63/Nf

27/3/63

28/3/63

65 Subject with reference to paras 54, 60 and 63 of the note. Subject — Please speak

27/3

NOTE TO GOVERNMENT No. 9903 MAR 1963 REVENUE DEPARTMENT.

DEPUTY SECRETARY TO GOVT. No 1234 21 MAR 1963 REVENUE DEPARTMENT

66 Min (Rev) has not agreed with the views of the Minister Forests under Rule 9 (XXV) of the Govt Rules of Business & Govt Instructions, the case will have to be submitted to the Council of Ministers.

R for Min 22/3

67 CM may also see

30.3.63 D.S.R.D

22/3

GOVERNMENT SECRETARIAT No. 2846 23 MAR 1963 REVENUE BRANCH.

DEPUTY SECRETARY TO GOVT. No 3157 30 MAR 1963

68 Secy. A put up a brief but self contained summary note

31/3/63

1.4.63

No. Note.—Contn. Sheet 3315/63

Disforestment of 15 acres and 24 guntas of land out of S.No. 5 + 6 of Vitnal Village in Haliyal 22

Serial No.

69 In this case, one Sri H.Bhatara applied for grant of land in S.No.6, 7, 8 etc., of Vitnal village for purposes of cultivation. The Deputy Commissioner, North Kanara, after enquiry sanctioned the grant of S.No.5 & 6 of Vitnal village, measuring about 15 acres 24 guntas in his order dated 23-1-1956 subject to certain other conditions mentioned in his order.

70 When the proposal for disafforestation of the area in question was received by Government in the Agriculture and Forest Department, the then Minister for Agriculture and Forest Minuted as follows :-

71 "I learn that the applicant is not an agriculturist. He is said to be the employee (Public Relation Officer) of the West Coast Paper Mills at Dandeli. Local people are often demanding land and I do not understand how this land has remained without anybody's demand. I do not find any report of the Forest Officer. The details of the area may be get from the D.F.O. and C.F. Belgaum, before we decide whether this particular land should be disafforested and to whom it should be granted."

x x x

72 "I am afraid that that land granted by Deputy Commissioner, Karwar, is not in order, As Deputy Commissioner has not followed the principles laid down by R.D., on Land grant policy, The priority fixed therein does not seem to have been followed. The land is granted to one who is not an agriculturist but who is a liaison officer of the West Coast Paper Factory. I do not think that claims of such high officials should be preferred to local poor people who have to live on land alone. Hence I feel M.R.D. may please get it thoroughly examined before it is disafforested."

Note.—Contn. Sheet

Dos forestand of 15 ans & 2½ gunta of land out of S. No. 5 & 6 of Vitnal Village in Haliyal

23

File No. FAD-137-PAF of 1959.

Mysore Government Secretariat

Serial No.

After examining the case the Agriculture and Forest Department suggested that the Revenue Department might take action to cancel the grant made in favour of Sri Bhatara. After obtaining further information from the Deputy Commissioner, North Kanara and Divisional Commissioner, the case was examined ~~further~~ in consultation with the Law Department. The Law Department ~~has~~ have opined that there is no reason to revoke the grant ~~and~~ & any such action may lead to legal complications and further according to Section 4 (2) of the Mysore Revenue Appellate Tribunal Act 1957, the appellate and revisional powers stand transferred to and ~~be~~ are exercisable by the Tribunal, and that therefore Government cannot exercise any power of revision in this case.

In view of the ~~above para~~ advice of the LD the file was ~~submitted~~ sent again to the Agriculture and Forest Department for issuing disafforestation notification in this case. The Minister for Forest has minuted as follows:- 73

"I have perused the records. 74

It is observed that the Deputy Commissioner, North Kanara, has not exercised his due diligence in granting land in S.Nos.5 & 6 of Vithal village Haliyal Taluk to one Sri Bhatara, Manager of the Paper Mills, Dandelli. As observed by Sri K.F. Patil, the then Minister for Forests (para 13) the Deputy Commissioner has not followed the land grant policy enunciated by the Government. According to the resolution dated 20th August 1954, of the erstwhile Bombay Government, on which the Deputy Commissioner has placed reliance, priority has to be given to the poor backward class landless agriculturists. It is unimaginable how the Deputy Commis- 75

Serial No.

Commissioner states that there were no applicants from the backward class people, while the noting at para 32 clearly indicates that hundreds of applications were being received from North Kanara District for land grant. ~~Presuming that there were no applications~~ ~~from North Kanara District for land grant.~~ Presuming that there were no applications from the backward class people as per the report of the backward class officer, the next proper course that would have been adopted by the Deputy Commissioner was to dispose of the land by public auction as contemplated in para 4 sub-clause XIV (c) of the Bombay Resolution. The lack of applications is itself not a valid ground for disposing the land straight away to the applicant. Disposal of this bit of land by public auction should have been given wide publicity and all formalities required to conduct public auction ought to have been followed. In view of this, the land granted to Sri Bhatara is not in conformity with the Resolution and policy of the erstwhile Bombay Government and therefore, the grant is held to be invalid. I am of the view that the land may be disposed of strictly in accordance with land grant rules and then the question of disafforestation of the land will be considered."

76 The Minister for Revenue has ordered as follows:-

"I have gone through the records carefully considering all aspects of the question, it is not desirable to interfere with the orders of the Deputy Commissioner, North Kanara, at this stage and it may stand."

77 As the Minister for Revenue has not agreed with the views of the Minister for Forest. Under

Note.—Contn. Sheet

Disforestment of 15 ans & 24 guntas of land out of S.No. 546 of Kitnal village in Hubli Taluk

25

File No. HFD.137.PAF of 1959. RO174LBM59

Mysore Government Secretariat

Serial No.

Under Rule 9 (XXV) of the Mysore Government Rules of Business and Secretariat Instructions, the case will have to be submitted to the Council of Ministers.

10.4.63

If this proposal is approved the case will be referred to the GAD (Cabinet Section) with a D.C.N. from para 69 N/S onwards

12/4/63
N. NARASIMHA RAO,
Secy., Rev. Dept.

C.S.

18/4/
K. NARAYANA SWAMY,
Chief Secretary to Government

M/R

28/4/63
Forest may kindly see first.

M (Forests)

30/4/63
S. NIJALINGAPPA
Chief Minister

CM

(S)

Min forests) May be referred to Council of Ministers for orders
B.R. 1/5/63

B. RACHAIAH,
Minister for Forests, Fisheries and Sericulture.

H.M. C.M. w/c

DEPUTY SECRETARY TO GOVT. No. 3536 10 APR 1963 REVENUE DEPARTMENT

78 REVENUE SECRETARY No. 3679 10 APR 1963 GOVERNMENT OF MYSORE

OFFICE OF THE CHIEF MINISTER No. 1317 15 APR 1963 BANGALORE

79 OFFICE OF THE CHIEF MINISTER 1732 2-MAY 1963

80 CHIEF SECRETARY No. 1444 19 APR 1963 GOVERNMENT OF MYSORE

81 OFFICE OF THE MINISTER FOR REVENUE 1711 19 APR 1963 BANGALORE

82 OFFICE OF THE CHIEF MINISTER 1656 29 APR 1963

OFFICE OF THE MINISTER FOR FORESTS No. 1123 1 MAY 1963 BANGALORE

Disforestment of 15 acres & 2 guntas of land out of S.No. 576 of Vinton Village in Haliyal

Mysore Government Secretariat

File No. RD.137 FHP of 1959. [App. F. III 2 174 LBM 59

Serial No. 83

1732

677/LS

4/5/63

Let the L.D. also see. If left to myself I would not have allowed this officer of the Hill to get this land. The D.C. concerned has not used his discretion properly. Now that there has been a grant we have to see apart from our sentiments and policy re. the grant of land whether the grant is legal and if so whether we can disturb it.

The matter may be brought before the Cabinet as suggested by Min. for L&D. the opinion of the L.D.

3/5/63

B. NIJALINGAPPA
Chief Minister.

SECRETARY TO GOVERNMENT
No.
4 MAY 1963
LAW DEPARTMENT

84

Sd/ Law Sec

MYSORE GOVT. SECRETARIAT
No. R.514
4 MAY 1963
LAW DEPTT. (REGISTRATION)

85

LAW DEPARTMENT

This Department has already indicated that the grant in question cannot be revoked and that the Government has no power to interfere - vide paras 51 and 54 n.f. The Collector has made the grant and according to the Bombay Government Resolution dated 20th August 1954, he is the authority competent to do so. The grounds on which the grant is proposed to be revoked are that the disposal of the land was not made by a public auction and the grantee was not a person entitled to get the land. In the above said resolution, in paragraph 4, it is set out that it is only grants to the comparatively rich members of the non-Backward Classes that should be by public auction - vide clause XIV(c) and that grants to poor members of the non-Backward Classes

Note.—Contn. Sheet

should be made by selection - vide clause XIV(b). The Deputy Commissioner has, in his letter dated 1/2nd October, 1959 - page 26 c.f. - stated the circumstances under which the land was granted. It is stated that the grantee belongs to the non-backward class and that as there were no applications from members of the Bakcward Classes there was no need for an auction. It is not stated whether the grantee belongs to the comparatively rich or poor class. Failure to hold the auction can only be an irregularity and does not vitiate the grant. It is also stated that the grantee is a bonafide agriculturist within the meaning of the Bombay Government Resolution and therefore entitled to the grant. In para 3 of the Resolution a "bona-fide agriculturist" is stated to mean a person who is genuinely desirous of taking to the profession of agriculture and has the necessary agricultural implements or is in a position to acquire them and cultivate the land personally, that is, either with or without the assistance of hired labour. The Deputy Commissioner has, in the letter referred to already, stated that Shri Bhattara satisfies these conditions. The grounds urged to revoke the grant do not exist and the grant cannot therefore be revoked. Power to revise orders of the Collector is not conferred and therefore, Government cannot interfere. Even if such power was there, by virtue of the provisions of the Mysore Revenue Appellate Tribunal Act, 1957, it has been transferred to be exercised by the Tribunal and Government cannot take any action.

OFFICE OF THE CHIEF MINISTER
1915
10 MAY 1963
BANGALORE.

SECRETARIAT TO GOVERNMENT
LAW DEPARTMENT

677/18

(R.Sanjeevalu)
Law Secretary (I/c)
(10-5-1963)

WD-010154-GPB-PZS-8,00,000-1-10-61

Chief Minister)

Grant of land to Shri H. Balaiah in S. No. 5, 6, 7, 8 of RD. 174. LBM. 59 Vitral village.

Mysore Government Secretariat

File No. AFD. 137-FAF. 59 of 196 [App. F. III 2 98

Serial No. 86

He may anyhow discuss it informally in the cabinet.

14/5/63

S. NIJALINGAPPA
Chief Minister.

Rev Secy)

1915

REVENUE SECRETARY No. 4933 14 MAY 1963 GOVERNMENT OF MYSORE

87) Pl put up a note for informal consideration of the Cabinet

16/5/63

17/5

88 A Cabinet note is put up for approval

27/5/63

MYSORE GOVERNMENT SECRETARIAT No. 4327 18 MAY 1963 REVENUE BRANCH

89. Typed draft Cabinet note is put up for approval

25/5/63

25/5/63

D.S. 25/5.

25.5.63
D.S.R.D

Pl. get this noted

SECRETARY TO GOVT. No. 25 MAY 1963 REVENUE DEPARTMENT 4372

90) Secy.

26/5/63

N. NARASIMHA RAU,
Secy., Rev. Dept.

C.S.)

SECRETARY TO GOVERNMENT No. 5-2-9-4 25 MAY 1963 REVENUE DEPARTMENT

91) May may come up in the Cabinet on 5/6/63.

27/5

K. BALACHANDRAN,
Chief Secretary to Government.

Note.—Contn. Sheet

Cab. Sec.)

R.R. 5818. 28/5/63

Grant of land in S. No. 5, 6 of to Shri H. Balara in Vitnal Village in Hangal Taluk.

File No. 174-LBM59 of 196

Mysore Government Secretariat

Serial No.

MYSORE GOVT. SECRETARIAT
No. C-154/63
28 MAY 1963
G.A.D. (COUNCIL SECTION)

SECRET

Cabinet Case No. C. 154/63

Date 30-5-63

FOR CONSIDERATION AT
A MEETING OF THE CABINET

Cabinet Note circulated for information

Dy. Secy.
GAD.

Chief Minister,
All Ministers.

For discussion on 5-6-63 at the Cabinet Meeting informally.

RD.174 LBM 59.

30

Draft Cabinet Note

C.154/63

Subject:- Grant of land to Sri H. Bhatara in Survey Nos. 5 and 6 of Vitnal village, Haliyal Taluk, North Kanara District.

----:oOo:----

+P.1. (Records). Flag. A.

F.C 30.5.63

92(a) ~~In this case~~, one Sri H. Bhatara applied for grant of land in Survey No.6, 7, 8 etc., of Vitnal village, North Kanara District for purposes of cultivation. The Deputy Commissioner, North Kanara, after enquiry sanctioned the grant of Survey No.5 and 6 of Vitnal village, measuring about 15 acres 24 guntas in his order dated 23-10-1956 subject to disafforestation of the said land and subject to certain other conditions mentioned in his order.

+Flag B

MYSORE GOVT. SECRETARIAT
No. C.154/63
28 MAY 1963
G.A.D. (COUNCIL SECTION)

2 When the proposal for disafforestation of the area in question was received by Government in Agriculture and Forest Department, the then Minister for Agriculture and Forest minuted as follows:--

+ Para 10 RD 174 LBM 59.

> "I learn that the applicant is not an agriculturist, He is said to be the employee (Public Relation Officer) of the West Coast Paper Mills at Dandeli. Local people are often demanding land and I do not understand how this land has remained without anybody's demand. I do not find any report of the Forest Officer. The details of the area may be got from the D.F.O. and C.F., Belgaum, before we decide whether this particular land should be disafforested and to whom it should be granted."

+ Para 13 RD 174 LBM 59.

> +" I am afraid that that land granted by Deputy Commissioner, Karwar, is not in order, as Deputy Commissioner has not followed the principles laid down by Rev.Dept. on land grant policy. The priority fixed therein does not seem to have been followed. The land is granted to one who is not an agriculturist but who is a liaison officer of the West Coast Paper Factory. I do not think that claims of such high officials should be preferred to local poor people who have to live on land alone. Hence, I feel M.R.D. may please get it thoroughly examined before it is disafforested."

+ Para 33

3. After examining the case the Agriculture and Forest Department suggested that the Revenue Department might take action to cancel the grant made in favour of Sri Bhatara. After obtaining further information from the Deputy Commissioner, North Kanara and the Divisional

Divisional Commissioner, Belgaum Division the case was examined further in consultation with the Law Department. The L.D. has opined that there is no reason to revoke the grant and any such action may lead to legal complications. The L.D. also opined that according to section 4(2) of the Mysore Revenue Appellate Tribunal Act 1957, the appellate and revisional powers stand transferred to and be exercisable by the Tribunal, and that therefore Government cannot exercise any power of revision in this case.

4. In view of the above opinion of L.D. the file was submitted again to the A & F Department for issuing disafforestation Notification in this case. The Minister for Forests) has minuted as follows:-

"I have perused the records.

It is observed that the Deputy Commissioner, North Kanara, has not exercised his due deligence in granting land in S.Nos.5 & 6 of Vithal village Haliyal Taluk to one Sri Bhatara, Manager of the Paper Mills, Dandelli. As observed by Sri K.F. Patil, the then Minister for Forests(Para 13) the Deputy Commissioner has not followed the land grant policy enunciated by the Govt. According to the resolution dated 20th August 1954, of the erstwhile Bombay Govt., on which the D.C. has placed reliance, priority has to be given to the poor backward class landless agriculturists. It is unimaginable how the D.C. states that there were no applicants from the backward class people, while the noting at para 32 clearly indicates that hundreds of applications were being received from North Kanara District for land grant. Presuming that there were no applications from the backward class people as per the report of the backward class Officer, the next proper course that would have been adopted by the D.C. was to dispose of the land by public auction as contemplated in para 4 sub-clause XIV (c) of the Bombay Resolution. The lack of applications is itself not a valid ground for disposing the land straightaway to the applicant. Disposal of this bit of land by public auction should have been given wide publicity and all formalities required to conduct public auction ought to have been followed. In view of this, the land

the land granted to Sri Bhatara is not in conformity with the Resolution and policy of the erstwhile Bombay Government and therefore, the grant is held to be invalid. I am of the view that the land may be disposed of strictly in accordance with land grant rules and then the question of disafforestation of the land will be considered."

+ Para 63/Nf.

5. The Minister for Revenue has ordered as follows:-

" I have gone through the records carefully considering all aspects of the question, it is not desirable to interfere with the orders of the D.C., North Kanara at this stage and it may stand."

+ Para 83/Nf.

6. On the submission of the case to the Chief Minister, the C.M., has minuted ~~as follows:~~ :-

" Let the L.D. also see. If left to myself I would not have allowed this officer of the Mill to get ~~other~~ this land. The D.C. concerned has not used his discretion properly. Now that there has been a grant we have to see, apart from our sentiment and policy regarding the grant of land, whether the grant is legal and if so whether we can disturb it.

The matter may be brought before the cabinet as suggested by Minister for with the opinion of the L.D.

As the Minister for Revenue has not agreed with the views of the Minister for Forests (the case is submitted to the Council of Ministers) under Rule 9(XXV) of the Mysore Government Rules of Business & Secretariat Instructions,

have re-iterated their opinion as

+ para 85/Nf.

7. Law Department ~~have opined as follows:-~~ ~~again opinion:-~~ have stated as follows: ~~" This Department has already indicated~~ that the grant in question cannot be revoked and that the Govt. has no power to interfere -vide paras 51 and 54n.f. The Collector has made the grant and according to the Bombay Government Resolution dated 20th August 1954, he is the authority competent

" This Department has already indicated that

.....4

competant to do so. The grounds on which the grant is proposed to be revoked are that the disposal of the land was not made by a public auction and the grantee was not a person entitled to get the land. In the above said resolution, in paragraph 4, it is set out that it is only grants to the comparatively rich members of the non-Backward Classes that should be by public auction - vide clause XIV(c) and that grants to poor members of the non-Bakcward Classes should be made by selection - vide clause XIV(b). The Deputy Commissioner has, in his letter dated 1/2nd October, 1959 - page 26 c.f. - stated the circumstances under which the land was granted. It is stated that the grantee belongs to the non-backward class and that as there were no applications from members of the Bakcward Classes there was no need for an auction. It is not stated whether the grantee belongs to the comparatively rich or poor class. Failure to hold the auction can only be an irregularity and does not vitiate the grant. It is also stated that the grantee is a bonafide agriculturist within the meaning of the Bombay Government Resolution and therefore entitled to the grant. In para 8 of the Resolution a "bona-fide agriculturist" is stated to mean a person who is genuinely desirous of taking to the profession of agriculture and has the necessary agricultural implements or is in a position to acquire them and cultivate the land personally, that is, either with or without the assistance of hired labour. The Deputy Commissioner, has in the letter referred to already, stated that Shri Bhattara satisfies these conditions. The grounds urged to revoke the grant

do not exist and the grant cannot therefore be revoked. Power to revise orders of the Collector is not conferred and therefore, Government cannot interfere. Even if such power was there, by virtue of the provisions of the Mysore Revenue Appellate Tribunal Act, 1957, it has been transferred to be exercised by the Tribunal and Government cannot take any action."

+ para 86/Nf.

8. On resubmission of the file to the C.M, ~~the C.M.~~ he has minuted that the question may be discussed in the Cabinet informally.

9. As the Minister for Revenue has not agreed with the views of the Minister for Forests (the case is submitted to the Council of Ministers) under Rule 9(XXV) of the Mysore Government Rules of Business & Secretariat Instructions.

Ans as directed by the C.M.

Secy. RD
25/5/63
25/5

35

SECRET

Cabinet Case No. C. 154/63

Date 30-5-63.

FOR CONSIDERATION AT
A MEETING OF THE CABINET

Cabinet Note circulated for information

Dy. Secy.
GAD.

Chief Minister,
All Ministers.

SECRET. RD.174.LBM.59. 36

CABINET NOTE.

Subject:- C.154/63.
Grant of land to Sri H.Bhatara in Survey Nos. 5, 6, 7 and 8 of Vitnal village, Haliyal Taluk, North Kanara District.

93(1) One Sri H.Bhatara applied for grant of land in Survey No.6, 7, 8 etc., of Vitnal village, North Kanara District for purposes of cultivation. The Deputy Commissioner, North Kanara, after enquiry sanctioned the grant of Survey No. 5 and 6 of Vitnal village, measuring about 15 acres 24 guntas in his order dated 23-10-1956 subject to disafforestation of the said land and subject to certain other conditions mentioned in his order.

93(2) When the proposal for disafforestation of the area in question was received by Government in the Agriculture and Forest Department, the then Minister for Agriculture and Forest minuted as follows:-

> "I learn that the applicant is not an agriculturist. He is said to be the employee (Public Relation Officer) of the West Coast Paper Mills at Dandeli. Local people are often demanding land and I do not understand how this land has remained without anybody's demand. I do not find any report of the Forest Officer. The details of the area may be got from the D.F.O. and C.F., Belgaum, before we decide whether this particular land should be disafforested and to whom it should be granted."
>
> "I am afraid that that land granted by Deputy Commissinner, Karwar, is not in order, as Deputy Commissioner has not followed the principles laid down by Revenue Department on land grant policy. The priority fixed therein does not seem to have been followed. The land is granted to one who is not an agriculturist but who is a liaison officer of the West Coast Paper Factory. I do not think that claims of such high officials should be preferred to local poor people who have to live on land alone. Hence, I feel M.R.D. may please get it thoroughly examined before it is disafforested."

93 (3) After examining the case the Agriculture and Forest Department suggested that the Revenue Department might take action to cancel the grant made in favour of Sri Bhatara. After obtaining further information from the Deputy Commissioner, North Kanara and the Divisional Commissioner, Belgaum Division the case was examined in consultation with the Law Department. The L.D. have opined that there is no reason to revoke the grant and that any such action may lead to legal complications. The Law Dept. have also opined that according to section 4(2) of the Mysore Revenue Appellate Tribunal Act 1957, the appellate and revisional powers stand transferred to and are exercisable by the Tribunal, and that Government cannot exercise any power of revision in this case.

3 (4) The file was again referred to the A.& F. Department for issuing disafforestation Notification. The Minister for Forests has furthur minuted as follows:-

> " I have perused the records.
> It is observed that the Deputy Commissioner,

p.t.o.

North Kanara, has not exercised his due deligence in granting land in S.Nos.5 & 6 of Vitnal village, Haliyal Taluk to one Sri Bhatara, Manager of the Paper Mills, Dandelli. As observed by Sri K.F.Patil, the then Minister for Forests (Para 13) the Deputy Commissioner has not followed the land grant policy enunciated by the Govt. According to the resolution dated 20th August 1954, of the erstwhile Bombay Govt., on which the D.C. has placed reliance, priority has to be given to the poor backward class landless agriculturists. It is unimaginable how the D.C. states that there were no applicants from the backward class people, while the noting at para 32 clearly indicates that hundreds of applications were being received from North Kanara District for land grant. Presuming that there were no applications from the backward class people as per the report of the backward class Officer, the next proper course that would have been adopted by the D.C. was to dispose of the land by public auction as contemplated in para 4 sub-clause XIV(c) of the Bombay Resolution. The lack of applications is itself not a valid ground for disposing the land straightaway to the applicant. Disposal of this bit of land by public auction should have been given wide publicity and all formalities required to conduct public auction ought to have been followed. In view of this, the land granted to Sri Bhatara is not in conformity with the Resolution and policy of the erstwhile Bombay Government and therefore, the grant is held to be invalid. I am of the view that the land may be disposed of strictly in accordance with land grant rules and then the question of disafforestation of the land will be considered."

93(5) The Minister for Revenue has ordered as follows:-

"I have gone through the records carefully considering all aspects of the question, it is not desirable to interfere with the orders of the D.C., North Kanara at this stage and it may stand."

93(6) On the submission of the case to the Chief Minister, the Chief Minister has minuted:-

"Let the L.D. also see. If left to myself, I would not have allowed this officer of the Mill to get this land. The D.C., concerned has not used his discretion properly. Now that there has been a grant we have to see, apart from our sentiment and policy regarding the grant of land, whether the grant is legal and if so whether we can disturb it.

The matter may be brought before the Cabinet as suggested by aMinister for Forests with the opinion of the L.D."

93(7) Law Department have re-iterated their opinion and have stated as follows:-

"This Department has already ~~xx~~ indicated that the grant in question cannot be revoked and that the Government has no power to interfere (vide paras 51 and 54 n.f.). The Collector has made the grant and according to the Bombay Government Resolution dated 20th August 1954, he is the authority competent to do so. The grounds on which the grant is proposed to be revoked are that the disposal of the land was not made by a public auction and the

grantee was not a person entitled to get the land. In the above said resolution, in paragraph 4, it is set out that it is only grants to the comparatively rich members of the non-Backward Classes that should be by public auction - vide clause XIV(c) and that grants to poor members of the Non-Backward Classes should be made by selection - vide clause XIV(b). The Deputy Commissioner has, in his letter dated 1/2nd October, 1959 - page 26 c.f. - stated the circumstances under which the land was granted. It is stated that the grantee belongs to the non-backward class that as there were no applications from members of the Backward Classes there was no need for an auction. It is not stated whether the grantee belongs to the comparatively rich or poor class. Failure to hold the auction can only be an irregularity and does not vitiate the grant. It is also stated that the grantee is a bonafide agriculturist within the meaning of the Bombay Government Resolution and therefore entitled to the grant. In para 8 of the Resolution a "bonafide agriculturist" is stated to mean a person who is genuinely desirous of taking to the profession of agriculture and has the necessary agricultural implements or is in a position to acquire them and cultivate the land personally, that is, either with or without the assistance of hired labour. The Deputy Commissioner, has in the letter referred to already, stated that Shri Bhatara satisfies these conditions. The grounds urged to revoke the grant do not exist and the grant cannot therefore be revoked. Power to revise orders of the Collector is not conferred and therefore, Government cannot interfere. Even if such power was there, by virtue of the provisions of the Mysore Revenue Appellate Tribunal Act, 1957, it has been transferred to be exercised by the Tribunal and Government cannot take any action."

93 (8) On resubmission of the file to the Chief Minister, he has minuted that the question may be discussed in the Cabinet informally.

93 (9) As the Minister for Revenue has not agreed with the views of the Minister for Rorests and as directed by the Chief Minister, the case is submitted to the Council of Ministers under Rule 9(XXV) of the Mysore Government Rules of Business and Secretariat Instructions.

(N.Narasimha Rau),
Secretary to Government of Mysore,
Revenue Department.

30.5.63

H.S.N.Rao)

C.154/63.

39

Extract from the Proceedings of the Twenty-eighth *Meeting of the Council of Ministers held at Bangalore on* 7th June 1963.

SUBJECT:- C.154/63.

Grant of land to Sri H.Bhatara in Survey Nos. 5, 6, 7 and 8 of Vitnal village, Haliyal Taluk, North Kanara Dist.

DECISION OF CABINET.

94) The order of the Deputy Commissioner may stand.

(SD)- S.NIJALINGAPPA,
7-6-63.
CHIEF MINISTER.

Secy., R.D. 10.6.63

(A copy of orders issued on the decision, may please be sent to the Cabinet Section, for record, within a week.)

SECRETARY TO GOVERNMENT
No. 5650
10 JUN 1963
REVENUE DEPARTMENT.

95) The file may now be sent to A & F dept for issue of necessary disfranchisement notification Reference Paras 93(1) & (2) and 94 n/

11/6/63

A & F (Forest) 11/6

MYSORE GOVERNMENT SECRETARIAT
No. 4856.
10 JUN 1963
REVENUE BRANCH.

"EXTRACT"

MYSORE GOVT. SECRETARIAT
488
12 JUN 1963
REVENUE & FOREST DEPT. (TAPPAL SECTION)

13/6/63

Deputy ~~Chief~~ Secretary to Government.
G.A.D.

10.6.63.

10/6

P. T. O.

AFD 137 FAF 59

40

96) Ref: para 94 n/7.

In view of the decision of the Cabinet, the Off notif P-1/CF. by Subd., by the DC, North Kanara may now be issued.

AGRICULTURE & FOREST SECRETARY
22 JUN 1963
GOVERNMENT OF MYSORE

DEPUTY SECRETARY TO GOVT.
NO. 3555
19 JUN 1963
AGRICULTURE & FOREST DEPTT.

CR
15/6/63.

Inf.
17/6.

97) Draft Notification

approved. This is to notify the disforestment of the area indicated in the draft 15 acres + 20 guntas under

See 27 of the Indian Forest Act as in force in Bombay Area.
(Reference to Para 82 N.J onwards)

JSR
18/6/63.

D/S.

Ly.
19.6.

AGRICULTURE & FOREST SECRETARY
No. 3088
19 JUN 1963
GOVERNMENT OF MYSORE

Secy. For kind perusal & appl.
Ly
21-6

OFFICE OF THE MINISTER FOR FORESTS & FISHERIES
No. F. 1703/63
22 JUN 1963
BANGALORE.

Minister for Forests. BR 22/6/63

S. A&F)

Ly
22.6.

Ly. 24.6

Issue
JSR
24/6/63

AGRICULTURE & FOREST SECRETARY
No.
22 JUN 1963
GOVERNMENT OF MYSORE

Issued on 27-6-63

41

4856 ✓ AFD 137 FAF 59 4856/RD
4329/RB 174 LOMS

Before we take further action, may be referred to R.D. to take back their files placed below & return our file

CR
27/6

F.F.o. compliance.

RD) 3/28/6

7/3/63

Files RD 174 & 137 59 &
file RD 174 & 137 59
are taken and AF file Relevant
RFD file M from a copy of the order issued
1/7/63

AFD) 2.7.63
V/S. Rev B.

Office of the Registrar R.D.
Date 8 JUN 1963
4560

A copy of the notifn has been sent to R.D on 24-6-63. Hence this may be filed.

JR
4/7/63

for order.

26/7

MADRE GOVT. SECRETARIAT
No. 609
4 JUL 1963
REVT. & FOREST DEPT. (APPAL SECTION)

CR
3/5/7

B
6/7/63

4R

GOVERNMENT OF MYSORE

No. AFD 137 FAF 59

Mysore Government Secretariat,
Vidhana Soudha,
Bangalore, Dated 27th Junr 1963.

NOTIFICATION

In exercise of the powers conferred by sub-section (1)of section 27 of the Indian Forest Act (Central Act XVI of 1927) as in force in the Bombay area the Government of Mysore hereby directs that the portion of the forest specified below, which was constituted as a reserved forest by the Government of Bombay under Notification No. 7534 dated 22-11-1898 shall cease to be reserved forest with effect from the date of this Notification.

Schedule

District:- North Kanara, Taluka-Haliyal, Village-Vitnal.

S.Nos. 5 & 6. Area:- 9-29-0 & 5-35-0 respectively.

Remarks: The entire area of the two F.S.Nos. has been ordered to be disforested.

BOUNDARIES:

North: East:- F.S.Nos. 8-A & 7
South:- F.S.No. 8-A.
West:- F.S.No. 8A and Nala

By Order and in the name of the
Governor of Mysore

Sd/-
(T.K.Jayarama Ayyar)
Under Secretary to Government,
Agriculture and Forest Department.

To

The Compiler, Mysore Gazette for publication in the Gazette.

Copy to:-

The Divisional Commissioner, Belgaum with reference to his No. RB/FORSR.271 dated 31-5-1961.
The Deputy Commissioner, Karwar (with case papers) with reference to his letter No. S.105/X/254 dated 14-2-1959.
The Chief Conservator of Forests, Bangalore, for information.
The Revenue Department with a request to dispose of the land according to rules and having regard to the ceiling fixed under the Tenancy Law.
The Cabinet Section with reference to Cabinet Decision on 7-6-63.
The Weekly Gazette.

Sd/- T.K.JAYARAMA AYYAR
Under Secretary to Government,
Agriculture and Forest Department.

COPY

RN

GOVERNMENT OF MYSORE

No. AFD 137 FAF 59

Mysore Government Secretariat,
Vidhana Soudha,
Bangalore, Dated 27th Junr 1963.

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Sd/- T.K.JAYARAMA AYYAR
Under Secretary to Government,
Agriculture and Forest Department.

COPY

N

GOVERNMENT OF MYSORE.

Mysore Government Secretariate
Vidhan Soudha.
Bangalore. Dated 27-6-1963

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North;East:- F.S.Nos.8-A & 7.
South:-F.S.No.8-A.
West:- F.S.No.8A & Nala.

By Order and in the Name of
Governor of Mysore.

Secretary to Government
Agriculture & Forest Department.

Forest Settlement Officer
Kanara.

Dy. Commr. Kanara.

To the Compiler, Mrs. Gogek

Copy to:-

1) The Deal. Const., Belgaum 2cys to GB/FOR-SR-271 dt 28-2-59.
2) The D.C. Karwar. 2cys to B.105/X/2544 d. 9/14-2-59
3) The CCF.
4) The RD with a request etc.,
5) The Rs. Cy (4 cs)

Dy/S AAF.

9/3/59

GOVERNMENT OF MYSORE. 463

Mysore Government Secretariate
Vidhan Soudha.
Bangalore. Dated - -195

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By Order and in the Name of
Governor of Mysore.

31/1/58
Forest Settlement Officer
Kanara.

Secretary to Government
Agriculture & Forest Department.

Dy. Comm. Kanara

GOVERNMENT OF MYSORE. 403 4 47

Mysore Government Secretariate
Vidhan Soudha.
Bangalore. Dated - -195

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BOUNDARIES.

North;East:- F.S.Nos.8-A & 7.
South:-F.S.No.3-A.
West:- F.S.No.8A & Nala.

By Order and in the Name of
Governor of Mysore.

31/12/58

Forest Settlement Officer
Kanara.

Secretary to Government
Agriculture & Forest Department.

Dy. Commr. Kanara.

GOVERNMENT OF MYSORE.

Mysore Government Secretariate
Vidhan Soudha.
Bangalore. Dated - -195

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By Order and in the Name of
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Forest Settlement Officer
Kanara.

Secretary to Government
Agriculture & Forest Department.

Dy. Commr. Kanara

GOVERNMENT OF MYSORE.

Mysore Government Secretariate
Vidhan Soudha
Bangalore. Dated - -195

N O T I F I C A T I O N.

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S.Nos.5 & 6. Area:- 9-29-0 & 5-35-0 respectively.

Remarks:- The entire area of the two F.S.Nos.has been ordered to be disforested.

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North:East:-F.S.Nos.8A & 7.

South:- F.S.No.8-A.

West:- F.S.No.8-A & Nala.

By Order and in the name of
Governor of Mysore.

31/12

Forest Settlement Officer
Kanara.

Secretary to Government
Agriculture & Forest Department.

Dy. Commissioner
Kanara

GOVERNMENT OF MYSORE. 109. 50

Mysore Government Secretariate
Vidhan Soudha
Bangalore. Dated - -195

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By Order and in the name of
Governor of Mysore.

31/12

Forest Settlement Officer
Kanara.

Secretary to Government
Agriculture & Forest Department.

Dy. Commissioner
Kanara

51 (113)

Letter

To

The Secretary to Government,
Agriculture and Forest Department,
Mysore State, Bangalore.

No.S 105/X/254. Karwar, 9-2-1959.
14

Subject: Disforestment of an area of 15-24-0 out of F.S.Nos.5 and 6 of Vitnal village in Haliyal taluka ..
Publication of the draft notification of the ..

P.97 Reference: Divisional Commissioner's No.GB/FOR SR 271 of 5-12-1958.

In submitting herewith the correspondence received under the Forest Settlement Officer,Kanara's endorsement No.2/3/190 dated 3-6-1957, I have to state as under:

In view of the powers vested in him under clause II(5) of G.R.,A.& F.D.No.FDM-1054 dated 28-1-1955, the Deputy Commissioner has granted an area of 15-24-0 out of F.S.Nos.5 and 6 of the village of Vitnal in taluka Haliyal in favour of Shri H.Bhatara of Dandeli in Haliyal taluka for the purpose of cultivation(Kindly vide Deputy Commissioner's order No.S 105/X/254 dated 23-10-1956 enclosed at page 47).

Accordingly, the requisite draft notifications have been got prepared from the Forest Settlement Officer,Kanara and enclosed at pages 99 to 111 of the correspondence.

Government may,therefore, please be moved to publish the draft notification in the Government Gazett and the correspondence returned to this office for taking further action.

The area applied for was notified by the Forest Department as available for cultivation.

There are no orders restricting the grant of

P.T.O.

forest land for the purpose of cultivation, by the Deputy Commissioner upto the limit of 5 acres and such grants are being made subject to the condition that the area does not exceed the economic holding. In this case, the applicant had no other lands and as such he was granted the entire S.Nos. comprising an area of 15-24-0 acres.

According to orders contained in G.R.No.FLD 1054 dated 12-1-1955, the Deputy Commissioner is empowered to grant minor forest land to the extent of 10 acres for the purpose of fruit cultivation. Orders contained in G.R.No.FDM 1054 dated 20-4-1955 pointed out by the Divisional Commissioner empower the Deputy Commissioner to grant forest land for N.A.purpose such as school buildings, play grounds, school farms, dispensaries, libraries, wells, hostels, Village Panchayat offices and of extension of gaothanas to the extent of 5 acres. Copies of these G.Rs.are submitted herewith in duplicate.

(B.G.Kaujalgi)
I/C Deputy Commissioner,Kanara.

Through the Conservator of Forests, B.C.,Belgaum w.cs. and the Divisional Commissioner, Belgaum, w.rs.

19 FEB 1959

53 (113)

Letter

To

The Secretary to Government,
Agriculture and Forest Department,
Mysore State, Bangalore.

No.S 105/X/254. Karwar, 9-2-1959.
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(B.G.Kaujalgi)
I/C Deputy Commissioner,Kanara.

Through the Conservator of Forests, B.C.,Belgaum w.rs.
and the Divisional Commissioner, Belgaum, w.rs.

55 (115)

Trees
Forest lands.
Grant of certain concessions to private persons for planting of .. in,

Government of Bombay,
Agriculture and Forests Department.
Resolution No.FLD 1054.
Bombay Castle, 12th January, 1955.

Read: Government Resolution, Revenue Department No.6645/33 dated the 7th May, 1938.

Government Resolution, No.7640 dated the 24th March, 1952.

Government Resolution, No.FLD.1053 dated the 21st June 1954.

Govt.Resolution, Revenue Department No.3953-V-B dated the 20th August, 1954.

Resolution:- Government is pleased to direct that blank areas with gentle slopes in Minor Forests in Kanara District should be given for fruit trees plantation under Sanads subject to the conditions under which they are being given at present for such purposes. Government is,however, pleased to direct that changes as indicated below should be effected in this procedure:-

i. The Forest Department should notify all such blank areas within a period of six months to the Collector.

ii. The Collector should issue sanad as per Government orders for all grants from these areas for fruit-tree planting.

iii. The maximum area granted under these orders to any one grantee should not exceed ten acres.

iv. The sanad areas must be planted up within 3 years, extension can be given for not more than another 2 years by the Collector. The minimum number of trees to be planted will be 40 per acre. This may,however, be relaxed by the Collector in suitable cases for reasons to be recorded in writing.

2. When the Sanad land is properly developed to the satisfaction of the Collector, he should arrange to dis[illegible] the land and grant it on new and impartible tenure to the Sanad holder. In such cases, the instructions issued in Government Resolution, Revenue Department No.LND 3953-V-B dated the 20th August, 1954 should be followed as far as possible.

3. Reserved trees, if any, in these plots should remain in charge of the Forest Department.

P.T

4. Sanads so far issued for fruit tree planting in the district will be now brought under the control of the Collector and the above instructions will apply to the old Sanad areas also, as far as possible.

By order and in the name of the
Governor of Bombay,

P.R.Joglekar

Assistant Secretary to Government.

To

The Collector of Kanara. He should give publicity to these orders.

x x x x x

*****

"True Copy "

for Deputy Commissioner,
Kanara.

57 13 117

Forest land : Kanara District
General policy regarding grant of..
for cultivation, etc..

Government of Bombay.
Agriculture and Forests Department.
Resolution No.FDM.1054.
Bombay Castle, 20th April, 1955.

Read: Government Resolution No.FDM.1054 dated the 28th January, 1955.

Resolution: In amplification of the orders issued in paragraph 11 of the Government Resolution, No.FDM.1054 dated the 28th January, 1955, Government is pleased to authorise the Collector to grant forest land for purposes mentioned therein to the extent of 5 acres only and to direct that such grants should be ~~a~~ in accordance with standing orders and policies of Government in the Revenue, Education and Local Self Government and Public Health Departments.

By order and in the name of the
Governor of Bombay,

V.V.Masurekar.

Assistant Secretary to Government.

To

The Collector of Kanara

x x x x x.

******

"True Copy "

for Deputy Commissioner,
Kanara.

AFD 31 OFT 58 58 14 #9

(Below endorsement No.22/ 13507, dated 24.11.1958 from the Conservator of Forests, Belgaum Circle, Belgaum and ~~forwarding~~ the correspondence ending with the Deputy Commissioner, Kanara's letter No.S.105/ X/254, dated 14.2.1959).

No.GB/FOR-SR- 271.
Belgaum, 28.2.1959.

Submitted to Government in the Agriculture and Forests Department, Bangalore, for publication of the notification, as proposed by the Deputy Commissioner.

2. The papers of the case may be returned to the Deputy Commissioner, Kanara, direct when done with.

O.C. signed by
Commissioner.

(K.A.Kembhavi)
for Divisional Commissioner, Belgaum.

asm.

MYSORE GOVERNMENT SECRETARIAT
NO. 2265
- 9 MAR 1959
FOREST BRANCH

59 15

H. BHATARA.

DANDELI (S. Rly.) INDIA.

Feb. 24, 1959.

To
The Secretary,
Agriculture & Forest Dept.,
Govt. of Mysore,
Bangalore.

MYSORE GOVERNMENT SECRETARIAT
NO. 1930
26 FEB 1959
60DST57
FOREST BRANCH

Dear Sir,

Re: Forest waste land in village VITNOL in Haliyal Taluk of North Kanara District.

I beg to submit that the above land was recommended by the Deputy Commissioner, Karwar to be allotted to me. This land is far away from the proposed new town, at the exclusive end. There is no possibility of the expansion of the town to that extend even in 50 years.

There is acute shortage of food-grains and vegetables in Dandeli. If you kindly publish the Gazettee Notification immediately this land can be reclaimed immediately with the help of bull-dozer and tractors.

Thanking you,

Yours faithfully,

H. B. Bhatara

(H.Bhatara).

Sd
EV
24/2/59

16
60 ~~125~~/-

Appendix F. G.—1]

SUBJECT Disforestment and grant of an area of 15-24-0 out of F.S. nos. 5 and 6 of Vitnal village in Haliyal Taluka, publication of the draft notification of the ...

Diary No. of letter replied to .....

Mysore Government Secretariat.

( )

the 195 .

Date of issue.....

Signed by.....

Issued
6/5/59

List of enclosures .....

Copied by.....

Examined by .....

Section

File No. AFD 137 FAF 59

Serial No. dt 6-5-59

No.

To The C.F. Belgaum.
~~The D.C. Karwar,~~
~~Karwar~~

Sir,

Ref:- your letter no. 22/13507/58-59 dated 24-11-58 addressed to the Dir. Cont., Belgaum.

With to the above, I am directed to request you to submit a report on the subject mentioned above with the details of the area in question, whether this particular land should be disforested and to whom ~~should~~ it should be granted.

I am also to request you to state how this

land has remained without anybody's demand.

A copy of the Govt letter no. AFD 31 referred to in your letter cited as DFT 58 dated 8th Nov 58, may be submitted to Govt for reference.

An imp immediate report is requested in the matter.

Yours faithfully,

D/S D47.

Note:
28/10/59.

Copy to the DFO, Belgaum for information with a request to submit to Govt a similar report in the matter through the CF, Belgaum immediately.

62 18 125/9

LETTER.

Subject:- Disforestment and grant of an area of 15-24-0 out of F.S.Nos. 5 and 6 of Vitnal village in Haliyal Taluka publication of the draft notification of the...

No.22/263/447 of 1959-60.
Belgaum, 9th May 1959.

MYSORE GOVERNMENT SECRETARIAT
No. 4705
15 MAY 1959
137-FAF 59
TO
FOREST BRANCH

The Secretary to Government,
Agriculture and Forest Department,
Bangalore.

Ref:- Your No. AFD 137 FAF-59 of 6.5.1959.

From this office case it is seen that the Collector of Kanara, Karwar had in his No. S 105/X/254 of 23.10.1956, sanctioned the grant of the F.S.Nos. 5 and 6 of Vitnal measuring 15 acres and 24 gunthas to Shri H.Bhatara of Dandeli for cultivation. According to G.R. Agriculture and Forest Department No. FDM 1054 of 28.1.1955, the Deputy Commissioner is ordering grants of forest lands notified to him as available for cultivation, by ~~kkm~~ this Department. If any more particulars are necessary they may kindly be obtained from the Deputy Commissioner, Kanara, Karwar.

V.C.
11/15

P.T.O.

2. A copy of the Government letter No. AFD 31 DFT 58 of 8.11.1958 is enclosed herewith as desired.

(N.S.Kaikini)
Conservator of Forests,
Belgaum Circle.

SRJ.8.5.

284 127/18

Copy of letter No. AFD 31 DFT 58 dated 8th Novr. 58 from the Secretary to Govt. Agri. & Ft. Dept. Bangalore.

.....

Subject:- Disforestment of forest areas for cultivation in Belgaum Circle.

With reference to the correspondence ending with your letter No.B3-122-2460/57 dated 14.7.1958 on the subject noted above, I am directed to state that Government considers that leases given by the Forest Department should be only of a temporary nature recognising no perpetual claim of lessees for permanent grant.

Government also considers that all grants of lands on permanent basis should conform to the land grant policy of Government and final orders in the matter should issue by the Revenue Department after the lands in question ~~is~~ are disforested by the Agriculture and Forest Department. I am therefore to request you to take further action accordingly in the matter.

.....

No.B2-122-2460/57 Chief Conservator's Office, Bangalore dated 21.11.1958.

Copy of the above is forwarded to the Conservator of Forests, Belgaum in continuation of this office memo of even number dated 13.9.1958 for further action.

Sd/- G.R.Mavinkurve.
For Chief Conservator of Forests.

SRJ.

21 65

AFD 137 FAF 59.

6th May 59

Agriculture & Forest Department.

The Conservator of Forests,
Belgaum.

Sir,

Sub:- Disforestment and grant of an area of 15-24-0 out of F.S.Nos.5 and 6 of Vitnal village in Haliyal Talukas - publication of the draft notification of the.

Ref:- Your letter No. 22/13507/58-59 dt.24-11-58 addressed to the Divisional Commr. Belgaum.

--- ---

With reference to the above, I am directed to request you to submit a report on the subject mentioned above with the details of the area in question, whether this particular land should be disforested and to ~~which~~ whom it should be granted.

I am also to request you to state how this land has remained without anybody's demand.

A copy of the Government letter No. AFD 31 DFT 58 dated 8-11-58 referred to in your letter cited above may be submitted to Government for reference.

An immediate report is requested ~~x~~ in the matter.

Yours faithfully,

O/C

(P. Venkataraman)
Deputy Secretary to Government,
Agriculture & Forest Department.

Copy to the Divisional Forest Officer, Belgaum for information with a request to submit to Government a ~~fmx~~ similar report in the matter through the Conservator of Forests, Belgaum immediately.

DV/4.6.

66 22

Subject:-Disforestment and grant of land if Vitnal, Taluka Haliyal to Shri H. Bhatara.

==========

To

The Secretary to Government,
Revenue Department, Bangalore.

Sir,

Reference: Government Letter No. RD 174 LBM 59/W/R dated 18-1-1960.

I have examined the case in detail and found that the order passed by the Deputy Commissioner, North Kanara under his No.S.105/X/254 dated 23-10-1956 - according sanction for the disforestment of an area of 15 acres and 24 guntas out of F.S.No.5 & 6 of Vitnal village in Haliyal taluka in favour of Shri.H.Bhatara, is in accordance with the land grant policy of the Ex-Government of Bombay contained in G.R.R.D. No. LND-3953-V-B dated 20-8-1954.

Government may therefore, be moved to accord sanction for the disforestment of the area. The case papers received under Government letter under reference are enclosed (Pages 1 to 97).

Yours faithfully,

Sd(B.G.Kaujalgi)
for Divisional Commissioner, Belgaum.

==========

'Copy'

Under Secretary to Government,
Revenue Department.

M. G. S. App. F VI—G. 2]

SUBJECT: Disforestment and grant of land of in Vitral, Haliyal Tq. to Sri B.i. St Bhadara Y Dadeli.

Diary No. of letter replied to.....

Mysore Government Secretariat

( )
the 195 .

Date of issue 17/9/60 195 .

Signed by

May this be—
(i) printed?
(ii) treated as a Standing Order?
(iii) published in the Gazette, English Part?
(iv) translated?
(v) placed at the disposal of the Press?
(vi) published in the Gazette, Kannada Part?

Do By D/S

Section

Serial No.

Do. File No ATD 137 FAF 60

~~Proceedings of the Government of Mysore.~~

Dear Sri Naajundappa,

~~Read~~— Please refer to your letter no. 22/263/447/59-60 dt 10-5-59 on the subject.

It may be seen therefrom the facts stated by you do not satisfy the requirements of the Gl of even no. dt 6-5-59 and your report is incomplete.

I am therefore desired by Govt to request you please send a complete and comprehensive report in the matter so as to reach Govt in any

Order thereon.— No.

case
~~say~~ within a fortnight
positively.

With regards,

Yours sincerely,

US (Forests) ~~DFS. DFO.~~

Copy to the DFO.,
Belgaum in continuation of
yl of even no. dt 6-5-89
for a similar report
through the C.F. Belgaum.

16/9

List of Enclosures.

DS.

3/6/89

Copied by

Examined by

M. G. S. App. F VI—G. 2]

SUBJECT as in p. 23/c.

Letter by DS.

Diary No. of letter replied to.....

Mysore Government Secretariat

( )

the 195 .

Date of issue 17.9.61 195 .

Signed by

May this be—

(i) printed?
(ii) treated as a Standing Order?
(iii) published in the Gazette, English Part?
(iv) translated?
(v) placed at the disposal of the Press?
(vi) published in the Gazette, Kannada Part?

You have not assigned any definite grounds for grant of the land in question to Sri Bhatara for cultivation. Govt would therefore like to know whether there are any special

Section

Serial No.

File No AFD 137 FBF 60

~~Proceedings of the Government of Mysore.~~

To The DC. N.K. Kasaragod

~~Read~~—

Sir,

Please refer to your letter no. ~~14-2~~ S.105/Z/254 dt 14-2-59 on the subject cited supra

~~Order thereon.~~—No: The facts you have stated in your letter referred to do not appear to have ~~weighed with~~ impressed Govt. I am therefore to be directed to request you please furnish grounds justifying the grant of land to Sri H. Bhatara,

for ~~orders of Govt~~ cultivation, especially in view of the fact that the applicant seems to be a non agriculturist.

An early reply within ~~about~~ a fortnight will be very much ~~to~~ appreciated ~~by Govt~~.

Yours faithfully

Kg 16/9

US
~~DFS~~, A 6/9

No.

Copy to the Div. Comr., Belgaum, with ref. to his letter No. RB/FOR. SR. 27 dt 1-8-60 addressed to the Rev. Secy. to Govt, with a request to make available a copy of the Bombay Govt GR. RD. No. LND-3953-II-B. dt 20-8-54, immediately.

List of Enclosures.

Copied by

Examined by

WD 04862—GPB—20,000—12-2-54

71 25

Sub:- Disforestment and grant of land in Vitnal, Haliyal Taluka to Shri H.Bhatara of Dandeli.

No,FOP/GFL/Missent /60-61.
Belgaum, 19- 9- 1960.
21

Sno 17/a.

To

The Under Secretary to Government,
Agriculture and Forest Department, Bangalore.

AGRICULTURE & FOREST DEPARTMENT
TAPPAL
Date 24/9
M. G. S.

Ref:- Your No.AFD/137/FAF/59 of 17-9-1960.

Sri V

Since the case on the above subject pertains to Kanara Northern Division , I have separately sent your D.O. referred ~~to in~~ above to the Divisional Forest Officer, Kanara Northern Division, Dharwar for taking further action.

MYSORE GOVERNMENT SECRETARIAT
NO. 8952
26 SEP 1960
FOREST BRANCH

(G.R.Mavinkurve) 19-9-60
Divisional Forest Officer,Belgaum.

Copy together with the Govt.D.O. letter under reference forwarded (in original) to the D.F.O. Kanara Northern Division, Dharwar for taking necessary action.

Copy submitted to the Conservator of Forests, B.C. Belgaum for favour of information.

msy.19.9.

P.T.O.

137 ~~FAO S~~

This is for information.
May be filed.

26/9.
27/9.
28/9/60

Plus

73

26

C. F. No. 45]

GOVERNMENT OF MYSORE

Telegram / Telephone 3.

No. LND-II-SR-X-12.

Encls.

OFFICE OF
The Deputy Commissioner, Kanara,
KARWAR.

Date 3 -10-1960.

To

The Secretary to Government.
Agricultural and Forest Department,
BANGALORE.

AGRICULTURE & FOREST DEPARTMENT
No. 11
APPL. 5/f
Date
B M G S

Sir,

Subject:- Disforestment of an area of 15-24-0 acres comprising of F.S, Nos. 5 and 6 of Vitnal Haliyal Taluka in favorur of H.Bhatara.

Reference: Your letter No.AFD-137-FAF-59 dated 17-9-60,

A detailed report in reply to the Government letter No.RD-174-LBM-59 dated 29-6-1959 has already been furnished under this office letter No.S-105/X/254 dated 2-10-1959. Copies of the same are sent herewith for perusal. As made clear in the said letter the Village Vitnal is a backward tract and there was no demand for the land in question ~~which~~ when it was ordered for disforestment in favour of Shri Bhatara.

Taking into consideration the question of priority under clasue E of para 4 of Bombay Government Resolution R.D.No.LND-3953 - V-B- dated 20-8-1954 and orders contained in para 8 of the said Government Resolution, the area was proposed for disforestment in favour of Shri H.Bhatara with a view to bring more area under - cultivation. There are no other grounds to order disforestment of the area in favour of Shri Bhatara.

MYSORE GOVERNMENT SECRETARIAT
NO. 9227
6 OCT 1960
FOREST BRANCH

Yours faithfully,

G. R. Naik 3/10/60
Deputy Commissioner,
North Kanara.

11060.

74 27

Copy of Government letter No.RD-174LBM59 dated 29th June,1959 from the Secretary to Government of Mysore, Revenue Dept.Bangalore addressed to the Deputy Commr. North Kanara.

-oo-

Sub:Disforestment and grant of an area of 15 acres and 24 guntas of F.S.Nos. 5 and 6 of Vitnal - Village in Haliyal Taluka to Sri Bhatara.

Ref:Your letter No.S.105/X/254 dated 14-2-1959 addressed to the Secretary to Government, Agricultural and Forest Department.

I am directed to request you kindly to state that

(1) whether the land was granted to Sri H.Bhatara after public auction as laid down in item XV(C) of paragraph 4 E of G.R.dated 20-8-1954. If not why was it granted without observing the rules.

(2) Whether the land granted could not be resumed to Government.

(3) Whether the is a bonafide agriculturists as stipula--ted in paragraph 8 of G.R.dated 20-8-1954. If not the reasons for having granted him land.

The connected records accompany for reference and return-

--oo--

" COPY "

p. For Deputy Commissioner,N.Kanara.

Letter

To

The Secretary to Government,
Revenue Department, Bangalore.

No.S 105/X/254. Karwar, 1-10-1959.
2

Subject: Disforestation and grant of an area of 15-24-0 acres comprising of F.S.Nos.5 & 6 of Vitnal in Haliyal taluka to Shri H. Bhatara..

Reference: Letter No.RD 174-LBM-59 dated 29-6-1959.

In submitting herewith the papers of the case received with your letter under reference, I am to state on each of the 3 points as under:

Point No. 1:

The land was not granted to Shri H.Bhatara after public auction as laid down in item XV(C) of para 4E of Government Resolution, Revenue Department No.LND 3953-V-B dated 20-8-1954 for the reasons given below:

The S.Nos. in question which consists of proper forest become eligible for grant on their being surrendered to Revenue Department after disforestation. Lands in this district which is a backward tract, are generally disposed of in accordance with the circular Memo No.S 17 dated 15-3-1951 which has been approved by the Bombay Government under their resolution No.1028/49 dated 19-9-1951 in order to bring more lands under cultivation in furtherance of Grow More Food policy of Government. These orders are still in force as can be seen from the Government orders quoted in the preamble of G.R.R.D.No. LND 3953-V-B dated 20-8-1954, which does not supersede the orders contained in G.R.R.D.No.1028/49 dated 19-9-1951. Accordingly, while granting lands to poor or comparatively rich, consideration among other things is given to the expenditure likely to be involved in clearing the land and preparing it for cultivation

P.T.O.

as well as his capacity to take up measures against wild animals for crop protection etc. Since Shri Bhatara had applied for the area for cultivation and as the area was within the limits of his economic holding and as there was no demand from others, the same was ordered for disforestment in his favour in view of orders contained in G.R.,A.& F.D.No.FDM 1054 dated 28-1-1955. The question of granting the area after public auction would have arisen only if there was demand from others for the area.

Shri Bhatara has not yet been put into possession of the lands.

Point No. 2:

The question of resumption does not arise since the land grant is in the preliminary stage and Shri Bhatara is not put in actual possession of the area. At the most, the proceedings may be dropped.

Point No.3:

Shri Bhatara who had come to Dandeli as an Officer in charge of West Coast Paper Mills is now stated to be the Manager of those Mills. He claims to be a displaced person, but he has not produced the refugee registration card or any other proof in support of the say. From the enquiry made by the Tahsildar, it is seen that Shri Bhatara proposes to cultivate the land through Malees by using tractors -kindly vide copy of his say produced before the Secretary, Notified Area Committee, Dandeli and the copy of the report No.TR 3939 dated 14/16-9-1959 of the Tahsildar of Haliyal. Para 8 of G.R. dated 20-8-1954 lays down that bonafide agriculturist should be interpreted to mean and include a person who is genuinely desirous of taking to the profession of agriculture and has necessary agricultural implements or is in a position to acquire them and cultivate the land personally i.e.either with or without the assistance of hired labour. On the basis of this interpretation and as there was no demand for the area

from others for considering the question of priority under clause E of para 4 of the Govt. Resolution, the area was proposed for disforestment in favour of Bhatara.

(Y.Rupla Naik)
Deputy Commissioner, Kanara.

Submitted through the Divisional Commissioner, Belgaum.

.....

Copy

for Deputy Commissioner, N.K.

78 77 47

Subject: Disforestment and grant of land in Vitnal, Haliyal Taluk to Sri. H. Bhatara of Dandeli.. 31

--

No. FOR.SR. 271
Belgaum, 23rd September, 1960.

To

The Secretary to Government,
Agriculture & Forests Department,
BANGALORE

Sir,

Ref: Govt. A & F.D. endt.No. AFD 137 FAF 60, dated 17-9-1960.

--

A copy of the Bombay Government Resolution R.D. No. LND 3953-V-B, dated 20-8-1954 is enclosed herewith.

Yours faithfully

(B.G. KAUJALGI)
FOR DIVISIONAL COMMISSIONER,
BELGAUM.

apc.

MYSORE GOVERNMENT SECRETARIAT
NO. 9122
4 OCT 1960
FOREST BRANCH

79 33

Copy of GRRD no.
LND 3953-I-B
dt 20th Aug'54.

80 35

Subject:-Disforsement and grant of land in Vital village Haliyal Taluka to Shri H.Bhatara.

-v-

No.FOR.SR.271
Belgaum, 31st May 1961.

MYSORE GOVERNMENT SECRETARIAT
No 6439
7 - JUN 1961
REVENUE

To

The Secretary to Government
Revenue Department. Bangalore.

Sir,

Reference Government letter No.RD.174.LPM 59/W/R dated 10.5.1961.

The report of the Deputy Commissioner, Kanara bearing No.S.105/X/254 dated 25.5.1961 in reply to your above letter, together with the connected records received with your letter referred to above are sent herewith for favour of further action.

MYSORE GOVERNMENT SECRETARIAT
No. 86
3 JUN 1961
REVENUE DEPARTMENT

Yours faithfully,

(B.G.KANJALGI,
for Divisional Commissioner
Belgaum.

B 5/6/61

Sri PCU(B)

ugm/-

5/6. 6/6 MLR

No.S.105/X/254.

Office of the Dy-Commr.N.Kanara
Karwar, 25-5-1961.

To

The Divisional Commissioner,
Belgaum.

Sir,

Subject: Disforestment and grant of land in Vitnal village, Haliyal Taluka to Shri H.Bhatara

Reference: Your letter No.FOR-SR-271 dated 16-5-1961.

In submitting herewith the papers of the case received with your letter under reference, I am to state as under:

Shri H.Bhatara was informed of the order dated 23-10-1956 according sanction for disforestment of F.S.Nos 5 & 6 of Vitnal in his favour under this office letter No. S.105/X/254 dated 2[illegible]-6-1958 in reply to his letter dated 27-5-1958 (vide copies enclosed for perusal)

Kabulayat in form I(1) appended to Land Revenue Rules has not however been got executed and the possession of the area has also not been granted to him as yet, as it is to be done at the time of final grant after completion of disforestment proceedings. In this case, the disforestment proceedings are yet in progress.

Yours faithfully,

25/5

for Deputy Commissioner, N.Kanara

o.c. signed
by Dy.Commr.

7637
RB
RP 29 MAY 1961

25/5

sbm.25/5.

Copy of letter dated 27-5-1958 from H.Bhatara M.A., of the West Coast Paper Mil s Ltd. Dandeli to Shri M.S.Shankara Rao, Collector of Karwar

---

About two years back, Mr.Patel and later Mr.Hiremath advised me to organize a model vegetable farm and a model dairy farm. Later on I applied for about 17 acres of land for vege--table farm and 41 acres for dairy farm.

I spent a fairly big amount for contacting the various experts for pushing these schemes in the wider interest of this area and also for the people of Dandeli.

There are no vegetables and thereis no milk available at Dandeli. Inspite of my repeated requests no hand has yet been provided. I would request you to kindly advise if the land under reference can be allotted.

I understand that all papers have been stuck up with the Pranth Officer. In case this land cannot be allotted to me, kindly let me know which Agency would be able to provide these services to the workers at Dandeli.

Peoplare are not coming forward for a Dairy farm at Dandeli because of thebad climate nor there is any possibi--lity of any local man starting vegetable farms.

I believe you are already aware that I am no longer in-charge of the Paper Mills and am more interested in settling at Dandeli as a displaced person and if the circumstan--ces are favourable, I may start my own work. But unless I have anything to fall upon, I cannot leave my job. I hope you will kindly let me know if I should expect any land as request--ed above.

With regards.

Subject: Grant of Forest land

No.S.105/X/254
Karwa r, 20-6-1958

To

Shri H.Bhatara, M.A.,
West Coast Paper Mills, Ltd.Dandeli.

Aie,

Ref: Your letter No .-- dated 27-5-1958.

From the papers of this office it is seen that you have been granted an area of 15-24-0 out of F.S.No. 5 and 6 of Vitnal village under this office No.S.105/X/254 dated 23-10-56

The area has been measured and disforestment notifica--tions have been submitted to Government for publication of the notifications in the Government Gazette. On receipt of the papers from the Government, necessary action to put the land in your possession will be taken.

Yours faithfully,

Sd/- M.S.Shankara Rao
Deputy Commissoner, Kanara, Karwar

' COPY '

25/5

for Deputy Commissioner Karwar.

SECRET. RD.174.LBM.59.

CABINET NOTE.

Subject:- C.154/63.
Grant of land to Sri H.Bhatara in Survey Nos. 5, 6, 7 and 8 of Vitnal village, Haliyal Taluk, North Kanara District.

One Sri H.Bhatara applied for grant of land in Survey No.6, 7, 8 etc., of Vitnal village, North Kanara District for purposes of cultivation. The Deputy Commissioner, North Kanara, after enquiry sanctioned the grant of Survey No. 5 and 6 of Vitnal village, measuring about 15 acres 24 guntas in his order dated 23-10-1956 subject to disafforestation of the said land and subject to certain other conditions mentioned in his order.

2. When the proposal for disafforestation of the area in question was received by Government in the Agriculture and Forest Department, the then Minister for Agriculture and Forest minuted as follows:-

> "I learn that the applicant is not an agriculturist. He is said to be the employee (Public Relation Officer) of the West Coast Paper Mills at Dandeli. Local people are often demanding land and I do not understand how this land has remained without anybody's demand. I do not find any report of the Forest Officer. The details of the area may be got from the D.F.O. and C.F., Belgaum, before we decide whether this particular land should be disafforested and to whom it should be granted."
>
> "I am afraid that that land granted by Deputy Commissinner, Karwar, is not in order, as Deputy Commissioner has not followed the principles laid down by Revenue Department on land grant policy. The priority fixed therein does not seem to have been followed. The land is granted to one who is not an agriculturist but who is a liaison officer of the West Coast Paper Factory. I do not think that claims of such high officials should be preferred to local poor people who have to live on land alone. Hence, I feel M.R.D. may please get it thoroughly examined before it is disafforested."

3. After examining the case the Agriculture and Forest Department suggested that the Revenue Department might take action to cancel the grant made in favour of Sri Bhatara. After obtaining further information from the Deputy Commissioner, North Kanara and the Divisional Commissioner, Belgaum Division the case was examined in consultation with the Law Department. The L.D. have opined that there is no reason to revoke the grant and that any such action may lead to legal complications. The Law Dept. have also opined that according to section 4(2) of the Mysore Revenue Appellate Tribunal Act 1957, the appellate and revisional powers stand transferred to and are exercisable by the Tribunal, and that Government cannot exercise any power of revision in this case.

4. The file was again referred to the A.& F. Department for issuing disafforestation Notification. The Minister for Forests has furthur minuted as follows:-

> " I have perused the records.
> It is observed that the Deputy Commissioner,

p.t.o.

North Kanara, has not exercised his due deligence in granting land in S.Nos.5 & 6 of Vitnal village, Haliyal Taluk to one Sri Bhatara, Manager of the Paper Mills, Dandelli. As observed by Sri K.F.Patil, the then Minister for Forests (Para 13) the Deputy Commissioner has not followed the land grant policy enunciated by the Govt. According to the resolution dated 20th August 1954, of the erstwhile Bombay Govt., on which the D.C. has placed reliance, priority has to be given to the poor backward class landless agriculturists. It is unimaginable how the D.C. states that there were no applicants from the backward class people, while the noting at para 32 clearly indicates that hundreds of applications were being received from North Kanara District for land grant. Presuming that there were no applications from the backward class people as per the report of the backward class Officer, the next proper course that would have been adopted by the D.C. was to dispose of the land by public auction as contemplated in para 4 sub-clause XIV(c) of the Bombay Resolution. The lack of applications is itself not a valid ground for disposing the land straightaway to the applicant. Disposal of this bit of land by public auction should have been given wide publicity and all formalities required to conduct public auction ought to have been followed. In view of this, the land granted to Sri Bhatara is not in conformity with the Resolution and policy of the erstwhile Bombay Government and therefore, the grant is held to be invalid. I am of the view that the land may be disposed of strictly in accordance with land grant rules and then the question of disafforestation of the land will be considered."

5. The Minister for Revenue has ordered as follows:-

"I have gone through the records carefully considering all aspects of the question, it is not desirable to interfere with the orders of the D.C., North Kanara at this stage and it may stand."

6. On the submission of the case to the Chief Minister, the Chief Minister has minuted:-

"Let the L.D. also see. If left to myself, I would not have allowed this officer of the Mill to get this land. The D.C., concerned has not used his discretion properly. Now that there has been a grant we have to see, apart from our sentiment and policy regarding the grant of land, whether the grant is legal and if so whether we can disturb it.

The matter may be brought before the Cabinet as suggested by aMinister for Forests with the opinion of the L.D."

7. Law Department have re-iterated their opinion and have stated as follows:-

"This Department has already indicated that the grant in question cannot be revoked and that the Government has no power to interfere (vide paras 51 and 54 n.f.). The Collector has made the grant and according to the Bombay Government Resolution dated 20th August 1954, he is the authority competent to do so. The grounds on which the grant is proposed to be revoked are that the disposal of the land was not made by a public auction and the

85/43

grantee was not a person entitled to get the land. In the above said resolution, in paragraph 4, it is set out that it is only grants to the comparatively rich members of the non-Backward Classes that should be by public auction - vide clause XIV(c) and that grants to poor members of the Non-Backward Classes should be made by selection - vide clause XIV(b). The Deputy Commissioner has, in his letter dated 1/2nd October, 1959 - page 26 c.f. - stated the circumstances under which the land was granted. It is stated that the grantee belongs to the non-backward class that as there were no applications from members of the Backward Classes there was no need for an auction. It is not stated whether the grantee belongs to the comparatively rich or poor class. Failure to hold the auction can only be an irregularity and does not vitiate the grant. It is also stated that the grantee is a bonafide agriculturist within the meaning of the Bombay Government Resolution and therefore entitled to the grant. In para 8 of the Resolution a "bonafide agriculturist" is stated to mean a person who is genuinely desirous of taking to the profession of agriculture and has the necessary agricultural implements or is in a position to acquire them and cultivate the land personally, that is, either with or without the assistance of hired labour. The Deputy Commissioner, has in the letter referred to already, stated that Shri Bhatara satisfies these conditions. The grounds urged to revoke the grant do not exist and the grant cannot therefore be revoked. Power to revise orders of the Collector is not conferred and therefore, Government cannot interfere. Even if such power was there, by virtue of the provisions of the Mysore Revenue Appellate Tribunal Act, 1957, it has been transferred to be exercised by the Tribunal and Government cannot take any action."

8. On resubmission of the file to the Chief Minister, he has minuted that the question may be discussed in the Cabinet informally.

9. As the Minister for Revenue has not agreed with the views of the Minister for Rorests and as directed by the Chief Minister, the case is submitted to the Council of Ministers under Rule 9(XXV) of the Mysore Government Rules of Business and Secretariat Instructions.

(N.Narasimha Rau),
Secretary to Government of Mysore,
Revenue Department.

30.5.63

H.S.N.Rao)

SECRET. RD.174.LBM.59.

CABINET NOTE.

Subject:- C.154/63.
Grant of land to Sri H.Bhatara in Survey Nos. 5, 6, 7 and 8 of Vitnal village, Haliyal Taluk, North Kanara District.

One Sri H.Bhatara applied for grant of land in Survey No.6, 7, 8 etc., of Vitnal village, North Kanara District for purposes of cultivation. The Deputy Commissioner, North Kanara, after enquiry sanctioned the grant of Survey No. 5 and 6 of Vitnal village, measuring about 15 acres 24 guntas in his order dated 23-10-1956 subject to disafforestation of the said land and subject to certain other conditions mentioned in his order.

2. When the proposal for disafforestation of the area in question was received by Government in the Agriculture and Forest Department, the then Minister for Agriculture and Forest minuted as follows:-

"I learn that the applicant is not an agriculturist. He is said to be the employee (Public Relation Officer) of the West Coast Paper Mills at Dandeli. Local people are often demanding land and I do not understand how this land has remained without anybody's demand. I do not find any report of the Forest Officer. The details of the area may be got from the D.F.O. and C.F., Belgaum, before we decide whether this particular land should be disafforested and to whom it should be granted."

"I am afraid that that land granted by Deputy Commissinner, Karwar, is not in order, as Deputy Commissioner has not followed the principles laid down by Revenue Department on land grant policy. The priority fixed therein does not seem to have been followed. The land is granted to one who is not an agriculturist but who is a liaison officer of the West Coast Paper Factory. I do not think that claims of such high officials should be preferred to local poor people who have to live on land alone. Hence, I feel M.R.D. may please get it thoroughly examined before it is disafforested."

3. After examining the case the Agriculture and Forest Department suggested that the Revenue Department might take action to cancel the grant made in favour of Sri Bhatara. After obtaining further information from the Deputy Commissioner, North Kanara and the Divisional Commissioner, Belgaum Division the case was examined in consultation with the Law Department. The L.D. have opined that there is no reason to revoke the grant and that any such action may lead to legal complications. The Law Dept. have also opined that according to section 4(2) of the Mysore Revenue Appellate Tribunal Act 1957, the appellate and revisional powers stand transferred to and are exercisable by the Tribunal, and that Government cannot exercise any power of revision in this case.

4. The file was again referred to the A.& F. Department for issuing disafforestation Notification. The Minister for Forests has furthur minuted as follows:-

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It is observed that the Deputy Commissioner,

p.t.o.

North Kanara, has not exercised his due deligence in granting land in S.Nos.5 & 6 of Vitnal village, Haliyal Taluk to one Sri Bhatara, Manager of the Paper Mills, Dandelli. As observed by Sri K.F.Patil, the then Minister for Forests (Para 13) the Deputy Commissioner has not followed the land grant policy enunciated by the Govt. According to the resolution dated 20th August 1954, of the erstwhile Bombay Govt., on which the D.C. has placed reliance, priority has to be given to the poor backward class landless agriculturists. It is unimaginable how the D.C. states that there were no applicants from the backward class people, while the noting at para 32 clearly indicates that hundreds of applications were being received from North Kanara District for land grant. Presuming that there were no applications from the backward class people as per the report of the backward class Officer, the next proper course that would have been adopted by the D.C. was to dispose of the land by public auction as contemplated in para 4 sub-clause XIV(c) of the Bombay Resolution. The lack of applications is itself not a valid ground for disposing the land straightaway to the applicant. Disposal of this bit of land by public auction should have been given wide publicity and all formalities required to conduct public auction ought to have been followed. In view of this, the land granted to Sri Bhatara is not in conformity with the Resolution and policy of the erstwhile Bombay Government and therefore, the grant is held to be invalid. I am of the view that the land may be disposed of strictly in accordance with land grant rules and then the question of disafforestation of the land will be considered."

5. The Minister for Revenue has ordered as follows:-

"I have gone through the records carefully considering all aspects of the question, it is not desirable to interfere with the orders of the D.C., North Kanara at this stage and it may stand."

6. On the submission of the case to the Chief Minister, the Chief Minister has minuted:-

"Let the L.D. also see. If left to myself, I would not have allowed this officer of the Mill to get this land. The D.C., concerned has not used his discretion properly. Now that there has been a grant we have to see, apart from our sentiment and policy regarding the grant of land, whether the grant is legal and if so whether we can disturb it.

The matter may be brought before the Cabinet as suggested by aMinister for Forests with the opinion of the L.D."

7. Law Department have re-iterated their opinion and have stated as follows:-

"This Department has already ~~xx~~ indicated that the grant in question cannot be revoked and that the Government has no power to interfere (vide paras 51 and 54 n.f.). The Collector has made the grant and according to the Bombay Government Resolution dated 20th August 1954, he is the authority competent to do so. The grounds on which the grant is proposed to be revoked are that the disposal of the land was not made by a public auction and the

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grantee was not a person entitled to get the land. In the above said resolution, in paragraph 4, it is set out that it is only grants to the comparatively rich members of the non-Backward Classes that should be by public auction - vide clause XIV(c) and that grants to poor members of the Non-Backward Classes should be made by selection - vide clause XIV(b). The Deputy Commissioner has, in his letter dated 1/2nd October, 1959 - page 26 c.f. - stated the circumstances under which the land was granted. It is stated that the grantee belongs to the non-backward class that as there were no applications from members of the Backward Classes there was no need for an auction. It is not stated whether the grantee belongs to the comparatively rich or poor class. Failure to hold the auction can only be an irregularity and does not vitiate the grant. It is also stated that the grantee is a bonafide agriculturist within the meaning of the Bombay Government Resolution and therefore entitled to the grant. In para 8 of the Resolution a "bonafide agriculturist" is stated to mean a person who is genuinely desirous of taking to the profession of agriculture and has the necessary agricultural implements or is in a position to acquire them and cultivate the land personally, that is, either with or without the assistance of hired labour. The Deputy Commissioner, has in the letter referred to already, stated that Shri Bhatara satisfies these conditions. The grounds urged to revoke the grant do not exist and the grant cannot therefore be revoked. Power to revise orders of the Collector is not conferred and therefore, Government cannot interfere. Even if such power was there, by virtue of the provisions of the Mysore Revenue Appellate Tribunal Act, 1957, it has been transferred to be exercised by the Tribunal and Government cannot take any action."

8. On resubmission of the file to the Chief Minister, he has minuted that the question may be discussed in the Cabinet informally.

9. As the Minister for Revenue has not agreed with the views of the Minister for Rorests and as directed by the Chief Minister, the case is submitted to the Council of Ministers under Rule 9(XXV) of the Mysore Government Rules of Business and Secretariat Instructions.

(N.Narasimha Rau),
Secretary to Government of Mysore,
Revenue Department.

30.5.63

H.S.N.Rao)

CABINET NOTE.

Subject:- C.154/63.
Grant of land to Sri H.Bhatara in Survey Nos. 5, 6, 7 and 8 of Vitnal village, Haliyal Taluk, North Kanara District.

One Sri H.Bhatara applied for grant of land in Survey No.6, 7, 8 etc., of Vitnal village, North Kanara District for purposes of cultivation. The Deputy Commissioner, North Kanara, after enquiry sanctioned the grant of Survey No. 5 and 6 of Vitnal village, measuring about 15 acres 24 guntas in his order dated 23-10-1956 subject to disafforestation of the said land and subject to certain other conditions mentioned in his order.

2. When the proposal for disafforestation of the area in question was received by Government in the Agriculture and Forest Department, the then Minister for Agriculture and Forest minuted as follows:-

"I learn that the applicant is not an agriculturist. He is said to be the employee (Public Relation Officer) of the West Coast Paper Mills at Dandeli. Local people are often demanding land and I do not understand how this land has remained without anybody's demand. I do not find any report of the Forest Officer. The details of the area may be got from the D.F.O. and C.F., Belgaum, before we decide whether this particular land should be disafforested and to whom it should be granted."

"I am afraid that that land granted by Deputy Commissinner, Karwar, is not in order, as Deputy Commissioner has not followed the principles laid down by Revenue Department on land grant policy. The priority fixed therein does not seem to have been followed. The land is granted to one who is not an agriculturist but who is a liaison officer of the West Coast Paper Factory. I do not think that claims of such high officials should be preferred to local poor people who have to live on land alone. Hence, I feel M.R.D. may please get it thoroughly examined before it is disafforested."

3. After examining the case the Agriculture and Forest Department suggested that the Revenue Department might take action to cancel the grant made in favour of Sri Bhatara. After obtaining further information from the Deputy Commissioner, North Kanara and the Divisional Commissioner, Belgaum Division the case was examined in consultation with the Law Department. The L.D. have opined that there is no reason to revoke the grant and that any such action may lead to legal complications. The Law Dept. have also opined that according to section 4(2) of the Mysore Revenue Appellate Tribunal Act 1957, the appellate and revisional powers stand transferred to and are exercisable by the Tribunal, and that Government cannot exercise any power of revision in this case.

4. The file was again referred to the A.& F. Department for issuing disafforestation Notification. The Minister for Forests has furthur minuted as follows:-

" I have perused the records.
It is observed that the Deputy Commissioner,

North Kanara, has not exercised his due deligence in granting land in S.Nos.5 & 6 of Vitnal village, Haliyal Taluk to one Sri Bhatara, Manager of the Paper Mills, Dandelli. As observed by Sri K.F.Patil, the then Minister for Forests (Para 13) the Deputy Commissioner has not followed the land grant policy enunciated by the Govt. According to the resolution dated 20th August 1954, of the erstwhile Bombay Govt., on which the D.C. has placed reliance, priority has to be given to the poor backward class landless agriculturists. It is unimaginable how the D.C. states that there were no applicants from the backward class people, while the noting at para 32 clearly indicates that hundreds of applications were being received from North Kanara District for land grant. Presuming that there were no applications from the backward class people as per the report of the backward class Officer, the next proper course that would have been adopted by the D.C. was to dispose of the land by public auction as contemplated in para 4 sub-clause XIV(c) of the Bombay Resolution. The lack of applications is itself not a valid ground for disposing the land straightaway to the applicant. Disposal of this bit of land by public auction should have been given wide publicity and all formalities required to conduct public auction ought to have been followed. In view of this, the land granted to Sri Bhatara is not in conformity with the Resolution and policy of the erstwhile Bombay Government and therefore, the grant is held to be invalid. I am of the view that the land may be disposed of strictly in accordance with land grant rules and then the question of disafforestation of the land will be considered."

5. The Minister for Revenue has ordered as follows:-

"I have gone through the records carefully considering all aspects of the question, it is not desirable to interfere with the orders of the D.C., North Kanara at this stage and it may stand."

6. On the submission of the case to the Chief Minister, the Chief Minister has minuted:-

"Let the L.D. also see. If left to myself, I would not have allowed this officer of the Mill to get this land. The D.C., concerned has not used his discretion properly. Now that there has been a grant we have to see, apart from our sentiment and policy regarding the grant of land, whether the grant is legal and if so whether we can disturb it.

The matter may be brought before the Cabinet as suggested by aMinister for Forests with the opinion of the L.D."

7. Law Department have re-iterated their opinion and have stated as follows:-

"This Department has already ~~xx~~ indicated that the grant in question cannot be revoked and that the Government has no power to interfere (vide paras 51 and 54 n.f.). The Collector has made the grant and according to the Bombay Government Resolution dated 20th August 1954, he is the authority competent to do so. The grounds on which the grant is proposed to be revoked are that the disposal of the land was not made by a public auction and the

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grantee was not a person entitled to get the land. In the above said resolution, in paragraph 4, it is set out that it is only grants to the comparatively rich members of the non-Backward Classes that should be by public auction - vide clause XIV(c) and that grants to poor members of the Non-Backward Classes should be made by selection - vide clause XIV(b). The Deputy Commissioner has, in his letter dated 1/2nd October, 1959 - page 26 c.f. - stated the circumstances under which the land was granted. It is stated that the grantee belongs to the non-backward class that as there were no applications from members of the Backward Classes there was no need for an auction. It is not stated whether the grantee belongs to the comparatively rich or poor class. Failure to hold the auction can only be an irregularity and does not vitiate the grant. It is also stated that the grantee is a bonafide agriculturist within the meaning of the Bombay Government Resolution and therefore entitled to the grant. In para 8 of the Resolution a "bonafide agriculturist" is stated to mean a person who is genuinely desirous of taking to the profession of agriculture and has the necessary agricultural implements or is in a position to acquire them and cultivate the land personally, that is, either with or without the assistance of hired labour. The Deputy Commissioner, has in the letter referred to already, stated that Shri Bhatara satisfies these conditions. The grounds urged to revoke the grant do not exist and the grant cannot therefore be revoked. Power to revise orders of the Collector is not conferred and therefore, Government cannot interfere. Even if such power was there, by virtue of the provisions of the Mysore Revenue Appellate Tribunal Act, 1957, it has been transferred to be exercised by the Tribunal and Government cannot take any action."

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(N.Narasimha Rau),
Secretary to Government of Mysore,
Revenue Department.

30.5.63

H.S.N.Rao)

SECRET. RD.174.LBM.59. 92

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